

VERBATIM MINUTES

MEETING: 27, 28 & 29 APRIL 1977

CAPE TOWN

PARTICIPANTS

R.S.A.

Mr B.J. VORSTER, Prime Minister.
Mr R.F. BOTHA, Minister of Foreign Affairs.
Mr B. FOURIE, Secretary for Foreign Affairs.

CANADA

Mr G.K. GRANDE: Ambassador to the R.S.A.
Mr M. SHENSTONE: Director, Foreign Affairs.
Mr P. LAPOINTE: Minister, Counsellor; U.N.

FRANCE

Mr J. SCHRICKE: Ambassador to the R.S.A.
Min A. THABAULT: Minister Plenipotentiary, Foreign Affairs
Department
Mr P. GARRQUIE-GUYONNAUD: Counsellor; U.N.

FEDERAL REPUBLIC OF GERMANY

Mr H. EICK: Ambassador to the R.S.A.

Dr W. JESSER: Deputy Asst. Secretary: Third World Countries.

Mr H. MÜLLER: Department of Foreign Affairs

Dr H.J. VERGAU: Counsellor: UN.

UNITED KINGDOM

Sir DAVID SCOTT: Ambassador to the R.S.A.

Mr J. MURRAY: Minister, Deputy Permanent Representative U.N.

Mr D.M. SUMMERHAYES: Minister, Embassy.

U.S.A.

Mr DONALD McHENRY: Deputy Ambassador: U.S.A. to the U.N.

Mr WILLIAM BOWDLER: Ambassador to the R.S.A.

Mr D. PETERSON : U.S. State Department.

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PRIME MINISTER

It gives me great pleasure to welcome you all, gentlemen, to this meeting, I'm sorry we had so many press people in here that I couldn't greet all of you. But nonetheless you are very, very welcome and I'm pleased that you have come to South Africa to discuss the various matters with my colleague, his Department and so far as it affects me, with myself.

I think it is far better that we do sit round a table to talk these about these matters than to talk at times even to shout at each other from afar and I think if approached in a mutual spirit of goodwill to solve a very difficult problem, it is not beyond us who sit round this table to find a reasonable and satisfactory solution. There are, as you well know, various parties who have an interest in this very thorny problem. You yourselves as representatives of countries who are seated on the Security Council - you have an interest and there are various other parties who have an interest - naturally South Africa has an interest but most of all the people more concerned with this issue than anybody else, are of course the people of South West Africa themselves.

You will appreciate that it is difficult for me to attend all the talks. I have the fullest confidence in the Minister on my left, Mr Fourie, the head of the Department concerned and therefore you will excuse me if I leave you, gentlemen, to the preliminary talks. I will be available if and when it is necessary for me if and when I withdraw with the assurance that I will be on hand if and when I'm required as far as these talks are concerned. Is there anything else that you wanted to add Mr Botha?

BOTHA

Not at this stage, Sir.

PRIME MINISTER

So, unless there are certain questions, gentlemen, that you want to put to me now I would suggest that I withdraw and leave you to your discussions about this matter. Any questions that you want to put to me, gentlemen, before I do so?

McHENRY

I don't think so Mr Prime Minister. I think if we might proceed - there are a couple of preliminary things which I think we would like to get some understanding on. With regard to our talks here and the handling of the Press we will not ourselves make any comment on these discussions. Our feeling that our talks are best at this stage held among ourselves and we don't want to carry on any debate in the Press of this talk.

PRIME MINISTER

No, that is accepted Mr McHenry. If there is anything that you require, gentlemen, please make it known to Mr Botha or Mr Fourie and they will see to it that it is at your disposal. So under the circumstances of you will excuse me, I will now withdraw.

BOTHA

Gentlemen, on behalf of myself and my department I also wish to bid you welcome to South Africa and to Cape Town. I fully share the views of my leader, the Prime Minister of South Africa, just expressed to you a moment ago. May I suggest at this stage that you indicate to me how you wish us to proceed - from a procedural point of view. We all know that you handed to us a "aid memoire" through your five ambassadors here recently. You are aware of the press statement issued by the five ambassadors of your five countries as well as ours and as I see it that is where the matter is. We have your "aid memoire" and the next step was to arrange these talks. This is it and here we are. And now

as far as we are concerned I would invite you to make suggestions to me as to procedure. I don't know whether Mr Fourie has certain suggestions but maybe we can ask our friends to tell us how they feel we should go about it.

MCHENRY

I think what we would like to do is to start by making a preliminary presentation of our couple of factors that we would like to go into before that - one of them was the handling of press - as I said before that I think for our part we would prefer that we distance ourselves from the press.

BOTHA

Sorry Mr McHenry, let us just get complete clarity about it. By that you mean that there's not even off the record - there's nothing - there's no talk to the press - it's a question of a complete blanket. Is that what you mean?

McHENRY

We will have no conversations on our part with the press, on this subject.

BOTHA

May I ask whether everybody is in agreement - the other delegations?

(General agreement)

BOTHA

Well, you have heard our Prime Minister's answer. So we have reached agreement on this point.

McHENRY

The second point which is an essential preliminary of ours is the question your Prime Minister raised and which we have taken note of - had taken note of and that is the presence of representatives of the Turnhalle Conference and some

speculation with regard to our willingness to meet with them. At some stage in any discussions one has to involve all participants or those who have some reasonable interest in this question that we are discussing and that includes obviously leaders from Namibia. I should say that in our view, as far as we are concerned, it would be premature for us to have any contact with that group or representatives of it. This does not exclude the possibility of some kinds of contact at a later stage.

BOTHA

Is that a decision already reached?

McHENRY

That is a decision which we've already reached.

BOTHA

If we may dwell on that subject for a moment, gentlemen, I would strongly urge you to reconsider that decision. The gentlemen are here in Cape Town - they are ready to talk to you - they are people from the territory. Their future is involved in these talks. I don't think I let out a secret if I put it bluntly to you that everyone of you, or everyone of your countries have often met with SWAPO - you have met often with SWAPO representatives. We haven't told you not to meet with them. Here you're now dealing with people who claim that they have an overwhelming support of the inhabitants of the territory whose interests are at stake. They want to tell you their story - they want to give you their point of view. I'm sure they would also wish to co-operate, at least with the substantive point which you are asking of this Government and which this Government, my Government really, have no direct control over, but these people, and I was wondering whether you would not wish to reconsider this decision.

McHENRY

I'd say, Mr Foreign Minister, it's not a question of a refusal to have contact - you are quite right - I think all of us have on occasion have contact with SWAPO and with other groups and we have all, I think also had contact with representatives of the Turnhalle Conference. So it is not a question of our refusal to listen and to understand. It is our view that at this stage in our discussions of that Conference, contacts with that group would be premature. I think I indicated initially that that was not the decision which excluded contact in the future. But it does strike us as premature at this stage.

SCOTT

Perhaps I could add from the United Kingdom's side, Mr Minister, that my Government shares this view as of this time. We all do agree with the point - but just as of now, it would be premature to have such meetings. We as you know very well, have not been lacking in contact with the Turnhalle group and the other groups in South West Africa/Namibia in the past. And we certainly don't go - not only don't exclude it - but we expect positively to have contact in the future. Just while we are having this discussion we would share the view that has been expressed by the American representative that we would prefer not to be pushed on this just at this particular moment in time.

BOTHA

The thing is, Sir David, it is not a question of pushing you, I mean, I think it is the other way round. You are pushing us; quite frankly, all the time. But the point is this - we are pushing no one, we are pushing a peaceful solution, that's what we are trying to achieve - all of us. And if we are going to be technical from the word go - then quite frankly and my American experience has taught me to be frank and candid because Americans are - it's a bad start. I must say it quite frankly its a very bad start because here are represen=

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tatives of people whether you recognize them juridically is beyond the point in my opinion. These are people who made certain proposals - they worked hard on them - they want to tell you what their story is - they want to tell you how they see their future. They had evolved policies there totally in opposition to my own Government's inside this country - they feel they have something to tell you, now you say you used the word premature - so has Ambassador McHenry - but what can be premature about a wish on the part of the people vitally affected and interested in these talks - if they want from the word go to tell you look, this is how they view the matters you've conveyed to them. Now, we had a meeting with them last Friday, here in Cape Town, and we spent a long time - I did so myself at the request of the Prime Minister - to convey to them your "aid memoire" to convey to them the gist and the contents of resolution 385 and say to them look, don't blame me, don't look at me the way you look at me, I'm conveying, I've got a duty to convey to you what the five nations who want to talk to us conveyed to us. And one and all, they all got up, black, white, coloured and said but look, why must you convey it to us, why can't they themselves tell us straight - this is what we want. The procedure will be if you refuse or do not see your way clear to seeing them now and I assume when you say these discussions you do not just mean today - you mean tomorrow and this round of discussions for which you are here - correct me if I am wrong - it will simply mean that we will have to adjourn here from time to time to give us an opportunity to convey to them then what you have told me and convey back to you very often what they have told me.

I'm just trying to avoid technicalities in this matter. I'm just trying to make our work easier. I know what your point of view juridically is. We all know why it is that you don't really want to meet them. You don't want to be - if I may use the word - tainted with press reports of the fact that you have spoken to the Turnhalle Conference which your Governments don't recognise and the United Nations despises. But be as it may, I want to urge us all, if we are serious to find a peaceful solution I think we must avoid technicalities.

GRANDE

I can quite understand that you would want to adjourn from time to time to keep this group or others informed and certainly I don't think anyone around this table would object in any way to that kind of delay. But I would say that it is - our understanding since it is the question you just posed a few moments ago - this feeling that a meeting with a group is premature is valid for the talks that we are holding this week. We all hope that new horizons will be opened up and as Ambassador McHenry said, subsequent contacts are by no means excluded but we did come as suggested in our "aid memoire" to exchange views with your Government on behalf of our governments. These are government to government talks - it is not a commission of inquiry. And so, I think all these contacts could get off to a productive talk - if we did not dwell on this point.

BOTHA

It is my understanding that before you came you also briefed or informed on others, including SWAPO, about your coming here and what you'll be doing.

McHENRY

No. We merely informed them that we were coming.

BOTHA

Well gentlemen, there's nothing that I can do about that. So we agree to disagree then on this point.

EICK

For the delegation of the Federal Republic of Germany I would like to say that we fully agree with what was said by Ambassador McHenry. If we would meet now, just now at this moment, representatives of Turnhalle, we would have a full-fledged conference on South West Africa/Namibia. But not with all parties concerned.

SCHRICKE

For the moment we think it is premature to have contacts - direct contacts with the Turnhalle, but of course we have no objection if the South African Government let them know what we are going to say about South West Africa.

BOTHA

Well, you have stated your point of view - I've stated mine. I can only reaffirm my profound disappointment and regret at this decision of yours but I think in the circumstances there's nothing doing. We better get a move on to the next point.

McHENRY

Well, on the next point I think what we've had in mind on which we may wish to proceed, would be a presentation to you which in some instances supplements or reviews the statements which we made in the "demarche" and in other words is supplementary to the materials which are included in the "demarche". You may wish either to respond at that time - to ask us questions or it may best be that we adjourn in order to provide time for whatever consultations which you may want to do - either among yourselves or with representatives of the Turnhalle conference. Beyond that we have no set recommendations - we hope that we can have a very frank and candid exchange and that at the end of our discussions we will both have achieved I think the goal what your Prime Minister suggested which is for movement on a very difficult problem.

BOTHA

Well, then would you like to proceed immediately.

McHENRY

The first thing that I want to do is to say on behalf of the five delegations here, Canada, France, Federal Republic of Germany, United Kingdom and the United States that we appreciate your receiving us here in Cape Town very much. We

appreciate your Government's positive reaction to our offer to exchange views on Namibia/South West Africa. I think I can speak for my colleagues when I say that we come in a very positive spirit in the hope that our discussions can be made and progress can be made with regard to the problem of Namibia. The seriousness with which we view this question was demonstrated by the joint "demarche" which we made on April 7, and the fact that our five Governments have sent representatives to Cape Town to discuss this matter. That emphasises not only our purpose but also our hope that these talks can lead to progress. The importance of finding a peaceful settlement, we believe was emphasized for all of us by the incident in Ovamboland last week. We believe that through concerted efforts of all the parties involved a solution will be found which is acceptable to the people of Namibia and to the international community. But I should emphasise our view that time is of the essence, if we wish to avoid having to face a even more difficult situation.

My colleagues and I recognise that the South African Government has made the right decision in treating the international territory of Namibia as entitled to an independent nationhood as a single political unit. The five Governments also recognise that the South African Government has an important role to play in the process of leading Namibia to independence. After receiving South Africa's response to the April 7 "demarche" the five Governments consulted extensively on a basis of that consultation. I am authorised to convey to you that we see the following as the objectives of our discussions in Cape Town.

First we seek South Africa's agreement that the purpose of future negotiations should be to develop an internationally acceptable settlement on the question of Namibia consistent with Security Council Resolution 385. Second, we look for South Africa's co-operation in developing a negotiating process in which the parties primarily concerned will be provided with the opportunity to participate in the development of any settlement. Third, we seek South Africa's agreement that all the parties concerned in the negotiations must avoid any steps which will foreclose possibilities of arranging an internationally acceptable solution. In

this regard we would particularly like to emphasise the serious consequences which we believe would follow from the implementation of the Turnhalle Constitution. What I would like to do at this point is to give our views on ways which these three objectives can be carried out, and let me suggest that we are anxious to hear your views.

We believe that Security Council Resolution 385 provides the most acceptable basis for settlement. It is a balanced document when implemented will be to a valid act of self-determination on part of the people of Namibia. We have also given careful thought to the elements of the political process for Namibia which would be consistent with Security Council Resolution 385. And what I would like to do is to describe those elements and in doing so we do not propose - we do not propose to negotiate with South Africa - a scenario for political process that would be comparable with 385. We believe this is the task of the South African Government with the parties mainly involved. However, what we have done is to commit ourselves - each of the Governments here - to work to obtain a fair hearing for a political process that could honestly appraise - that we could honestly appraise as consistent with 385. We believe that the political process for Namibia which would gain the widest acceptance would include but will not be limited to, the several elements which I want to list. And in listing them and in discussing the methods of implementing those in terms of 385 I want to emphasise that what we site is illustrative only. Undoubtedly alternative methods could be devised by the South African Government and by others. Any serious proposal for an internationally acceptable political process would have to be considered as a whole in order for those primarily concerned to be able to make a reasonable judgement as to its acceptability.

If one took several of the elements of 385 and try to come up with illustrative ways of implementing them we might take the following. On the question of elections we believe

that elections would be held for a Constituent Assembly whose task would be the drawing up of a constitution for Namibia. There are a variety of ways of conducting the electoral process. One adult - one vote, would be its basis. However, other factors might be introduced to accommodate minorities. Voting will have to be by secret ballot with provision to enable full participation by individuals who cannot read or write.

FOURIE

May I just ask Mr Ambassador, are you going to give us a copy of this statement. I see you are reading it or ...

McHENRY

I'm reading from notes. On the question of the element of 385 which is on United Nations supervision and control of elections - elections to take place under the supervision and control of the United Nations. A United Nations Elections Commissioner supported by the international civil service of the United Nations secretariat would be appointed by the Secretary General. Disputes concerning participation in or conduct of the electoral process would be settled by an independent body of jurists appointed by the Secretary-General. On the campaign process the process under which elections could be held. The South African Government would immediately cease the application of all legislation and regulations which could impede full and open participation by all adult Namibians in the political process. All persons and all political parties, regardless of political views will be enabled to participate in the process of political education and elections. There will be full freedoms of speech, press and assembly. The Campaign process, like the elections themselves, could be supervised by the United Nations Elections Commissioner. The elections could take place after an appropriate period following the installation in Namibia of a United Nations Elections Commissioner.

385 Also calls for the participation by returnees. We would suggest that all persons born or recognised as inhabitants of Namibia, who are not now in Namibia, would be enabled to return and participate in the political process. As you know, 385 also refers to detainees. And we would suggest that all political prisoners be properly released - this would enable them to participate throughout the campaign and an independent body of jurists could resolve any disputes as to who was and who was not a political prisoner. And finally 385 calls for a transfer of power. In consultation with those mainly involved, the South African Government could develop a plan for its withdrawal in stages from Namibia to prepare for a smooth transfer of power at the end of the political process. There are other elements of 385 and I think those were the main ones and I would suggest that though the elements themselves are set forth very clearly, there are alternative ways of implementing those and what we have done is trying to suggest some ways of doing so. That, Mr Foreign Minister, is our side.

BOTHA

Thank you, Mr McHenry. I think you will appreciate that I could not take down everything you said and I think that what you said is of great importance and frankly I do not think that we could continue now to discuss these illustrative points of yours unless we first have had an opportunity to study them. They're not new to me - to be frank with you - but nevertheless I think phraseology is of importance and to get a complete and whole picture of what you have just suggested I would wish to have a little more time to get a text of it. Let me just ask .. Have you succeeded in taking it all down? But is it not possible that we could have a copy of what you have stated.

McHENRY

It's just the notes. I think we would prefer not to. We are very willing to review.

BOTHA

Well, I will rely on our very able secretary to let us have it even if there are patches, she said - maybe you can fill them in. But there is one point I think we can perhaps dwell a little bit on, spend a little time on and that is the one point I think you mentioned very early. That is - let me just get it - I think somewhere you said something about the Turnhalle Constitution that in your view you think that there will be serious implications if that Turnhalle Constitution was introduced. Am I right? Correct me - was that the point you made?

McHENRY

We suggested that there would be serious consequences which might follow with the implementation of the Turnhalle Constitution.

BOTHA

Gentlemen, as far as that is concerned and this suddenly looms as perhaps one of the major obstacles immediately - that's why we might as well get down to it. We are firmly committed, we are irrevocably committed to introducing, perhaps not the constitution as such, but an interim government for administrative purposes. We do not share your view that there can be serious consequences of this because South Africa is de facto, from your point of view also, in charge of the territory. For years and years we have been told that we were fragmenting the territory - for many years. You must bear with me a little. We were accused of tribalism, fostering tribalism, of keeping peoples apart inside the territory - not outside - inside the territory. We have been accused and charged in the United Nations and those with experience of the United Nations will know what I'm saying now. That was one of the main things all along. That was one of the main charges of Ethiopia and Liberia against us in the World Court case. That's a theme that runs right throughout. You can go and check the United Nations resolutions - you will find it there. It was indeed

this Government's policy that if we had a wish - if we could have it our way - we would have preferred the territory perhaps to become independent not on the basis of an entity. We would have preferred the territory the territory's various autonomous components to achieve independence on the road. That was, as you know, for years our stated policy.

Now we consider it a step forward - you might not - but we also have a point of view here - we consider it a step forward that we do not stand in the way any longer of the territory becoming independent as an entity. I'll get to some other points where I think where South Africa has made substantial - substantial - I won't use the word concessions let's rather say adaptations to be reasonable and to meet your objections as regards discrimination based on colour.

There is another very substantial area where I think we can now comply with the requirements put in the United Nations over the years by yourself. As regards an early date for independence - yes. Early, reasonable date - I think we can move forward there. And then as I said - this very one important aspect namely that the territory must become independent as a whole. As discussed with a very wellknown African Ambassador whose name I cannot mention here, out of respect for the confidentiality of our relations, he said to me as early as the date of the debate during which that resolution 385 was passed, please get your Government just to make a commitment to one thing, and that was what he called the territorial integrity, that's the phrase he used in United Nation language. Namely, commit yourself to the territory - must and would become independent as an entity not fragmented not cut up in Bantustans. If you do that we will accept your sincerity and that will be a giant step forward and the other matters could possibly be resolved.

Now that we have reached that goal we find that we are being pushed further and further. And we are being pushed into a situation where we have no control. We can only

point out alternatives and give advice to the Turnhalle people. We can't do more. I must make that very, very clear here today. We cannot control them. If there is anybody that has any doubt about it, and that was one of the reasons why I wanted you to meet these people, to judge for yourself their independence from us as far as their views are concerned. Fact is that I wouldn't, two years ago, have dreamt that Turnhalle would have evolved the way it did. But to return to this basic point - we now think we can, we can comply with this requirement of the territory's retaining its territorial integrity becoming an independent entity.

Of course you know, that we have had discussions with the Americans way back last year starting in June on Rhodesia and South West Africa but I have no doubt that the other four countries know what those discussions were. Either I personally informed some of your ambassadors or I know that the Americans informed them. And you know what happened? We set some seven points that we drew up together with the Secretary of State of the United States and I think it is my duty to repeat it here that we were told the day we part in Zurich, Switzerland. The last words of the American representatives to us were: thank you, we think you have been most reasonable. In one instance the phraseology that was used was: we cannot ask more of you. We cannot ask more of you. In another instance we were told: I will not push Mr Vorster beyond those points. You can tell me that that administration has been outvoted but that is not the way countries conduct their foreign relations. That is not the way it is. There come about understandings and there come about reasonings that survive Governments, between States - we all know it, otherwise we can forget - we can forget about reality in international relations.

All right, there came a new American administration, I was there, I know a lot about the system - not all of it - but

fact remains that we were not busy with any covert actions in respect of South West Africa. We urged throughout all the five ambassadors around this table to visit South West Africa. We urged throughout and the press reported fully on the events in South West Africa. We got nothing back on those points that we were prepared to make - we couldn't keep back a momentum. SWAPO was busy with their attacks

all the time. The Rhodesia situation was evolving into a serious one; we were involved in that as well and I can only repeat we won't discuss it today, that we now think that such a distance has been travelled in respect of Rhodesia that peace is at hand, we believed that, we still believe it.

With respect to South West Africa, we thought it was going to be easier; easier than Rhodesia. Because we think that we could comply with the substantial basic points. If only there is a little bit of a give and take and understanding of certain things, I think an agreement can be reached, but nothing covert happened in South West Africa; nothing behind the scenes. Everybody, all of your Governments knew, and I reported regularly to the Government to whom I was accredited, of how things were going and they read it in the Press, that the Turnhalle was going along, was conducting negotiations; they had clashed inside, sometimes between the whites and some black factions, sometimes between black and coloured factions, but they were carrying on openly. And the day before the formal administration vacated office, I was handed a note, passed via Pres. Kaunda from Mr. Sam Njoma with 8 points making an arrogant demand for the transfer of power from the South African Government to SWAPO; that was the nett result of months and months of discussion, hard work, which was characterized by the American Government, or South Africa's role rather, as being one, of being reasonable, we cannot ask you for more, we won't push you beyond it.

Now the Turnhalle met with my Prime Minister at the end of November and they started, some of them, I should tell you, accusing us of not being fair and not being bona fide, or not really wishing to give them independence; not really wishing them to be free from us to chart their own course. This didn't come from the white members. As far as the white members in those talks were concerned, they wanted to hold back. But these were the black members and the Prime Minister had no choice but to say to them, well, as I have always told you, it is your country; you have got to decide your future. So, come along and tell me what you want and I will put it into Law and you can have it.

This happened. Everybody knew about it and suddenly now that the stage was reached where a constitution was drawn up, after weeks and months of hardwork, actually years of gathering together, black, white and coloured around a conference table for the first time in the history of that territory which we considered a miracle; we welcomed this, this opened the way for a better understanding between the peoples of that territory; it opened the way for the removal of discrimination.

They have still got to move a bit there, but the foundation was laid for a new era and I know the territory; I have been involved with that territory for years and years. I say, personally, to you, whether you agree or not, the distance travelled in respect to South West Africa is vast, it is vast.

Not only do we get no credit, or the people there get no credit for what has happened, but we are suddenly confronted with the kind of proposal that the thing they have worked for, must not be implemented. As I have said, we have been accused all these years that we keep the peoples apart. The moment they get together - I repeat, black, white and coloured - and some of these leaders there like Mr. Kapuuo, others from Rehoboth and even from the Nama group and the Damaras, were our most bitter critics at the United Nations for decades, as a matter of fact until 1973 Mr. Kapuuo's evidence was not only gladly received by the United Nations, I can prove to you documentarily that Mr. Kapuuo under the Rehoboth/Basters evidence formed the basis of all the resolutions preceding 385 on which you base yourself now. So that in a way I can state that a lot of the things you are basing yourself now on, emanate from the man who is sitting around the conference table and asking my Government to institute a constitution for the interim government. It doesn't mean independence, gentlemen; it doesn't mean independence. Independence would be an irrevocable or irreversible step from our point of view because it would mean that we will have to pass an act of Parliament and whether you recognise it or not, that ties us down. It ties our Courts and that's it.

I can, and I am prepared to discuss this with my Prime Minister, because I want to see, and I must lean over backwards to see your problem also. I am prepared to discuss with the Prime Minister the question of a formal detailed constitution which we intended - but please don't publish this - we intended to introduce this in Parliament just after 20th May, we are going towards the end of this Parliamentary Session, and other legislation was put aside to make room for this one on 20th May. That would have been a detailed constitution, not independence yet, but that would have been a detailed constitution which would have formed the basis for independence later.

I am prepared to go and discuss this with my Prime Minister - I think I better do so alone if you think it is worthwhile, otherwise we better thrash this out ourselves here, but on the issue of instituting or allowing an interim government consisting - now those people had worked so hard - as an administrative arrangement, nothing irrevocable will happen, nothing irreversible. As a matter of fact, not a single one of the points mentioned here, although I am not now saying we can accept the points, that were made but for argument's sake, not a single one of the proposals, in my opinion, would be impossible of executing later on condition that they are accepted. I don't say they will be - please, I must cover myself here - but nothing irrevocably will happen. What it will mean, is merely an administrative arrangement. Now you perhaps who don't know the history of the territory so well. There was a time that the Caprivi Zipfel was administered directly from Pretoria. Well, there was a time that it was administered by the British High Commissioner, immediately after 1920, it was easier, in his capacity, I think as the administrative or the legal chief of Botswana or Bechuanaland as it was called. There was a time that we had re-arranged our government departments in South West Africa to and from all the time. These administrative arrangements have been going on; after the Odendaal Commission, there was another major administrative re-arrangement which he objected to most strongly as presenting an intention on our part of incorporating the territory into the Republic of South Africa.

Now that we have reached the stage where we would like to make it easier for eventual withdrawal by giving more local administrative say to the inhabitants of the territory, you say we must not do it. I hope that is not the case. If you tell me that you are against us introducing a Law in Parliament now embodying all the details of an independence constitution, into it, I can and I am prepared to go and argue that with my Prime Minister, if you tell me you don't, and object to, and cannot accept, the establishment or institution of a mere administrative re-arrangement, then, gentlemen, it is for me to say so, but I think we must be frank with one another then and I don't see much further purpose in this talking, because that is a complete commitment we are dealing with you, on behalf of my Prime Minister - I must be honest with you.

I don't know whether you would wish us to proceed discussing this point or first give us an opportunity to get down to what you proposed earlier, but I think to save time and possible misunderstandings if we cannot reach some form of consensus on this, this very serious problem which to me, frankly, - frankly, gentlemen, I must say that you are on in this; it is not a problem, it is a technicality as far as we are concerned from your point of view, whereas it is a commitment from our point of view.

MC HENRY :

Mr. Foreign Minister, you have very eloquently described the as an administrative change, we are suggesting that there would be, that that change would not preclude any of the things which we have suggested to you. I don't think it would come as a surprise to you if I suggested that much of the world would look upon this as something more than simply an administrative change. Nor would it come as much of a surprise to you, if I suggested that the problem of Namibia is already complicated enough. It would not be helpful to introduce any further complications. I think at this stage, unless my colleagues have something additional to say, the best thing for us to do, might be, for you to study the statements which we have made this morning. I think they addressed the point which you raised and I would like to hear your considered reaction to it.

BOTHA :

But I must repeat that if we cannot get over this hurdle, I don't see, well it is with grave thoughts that I say this, then I don't see much purpose in continuing any further.

It is no good us beating about the bush; there are points where we can manoeuvre, where we can have space to talk; I've got no space on this point. No space. It is no good me holding out expectations on which I know my Prime Minister simply cannot, he just cannot.

FRENCH REPRESENTATIVE :

Mr. Foreign Minister, you spoke about simple administrative changes, but at the same time you have said you are going to have an interim government. It is more than simply an administrative change. If you take the word government, it is a political change and that is why it is difficult for us to
.....

BOTHA :

But why is it a political change?

FRENCH REPRESENTATIVE :

Because of the word.

BOTHA :

There must be, according to your argument, now there must be a government. Now, who do you think that government is now?

FRENCH REPRESENTATIVE :

It should be a government elected.

BOTHA :

No, No, but right now, who do you think governs the country?

FRENCH REPRESENTATIVE :

We think it is the South African administration.

MR BOTHA :

It is not true, it is not true. In the broad sense of over-all responsibility maybe, from a Parliamentary legal and financial point of view; in that we give them funds and things like that, that kind of thing, yes. But from the point of view of making policy, of developing their future and day-to-day administration, health services, road building, dams, water, that kind of thing; railways, yes, that is in the Central Administration, but the day-to-day administration right now is already handled by the people who are actually in the Turnhalle; the day-to-day practical administration is now handled by them

FRENCH REPRESENTATIVE :

But for the international community and the West

BOTHA :

I realise the point made by Mr McHenry, I realise that point that the outside world would not probably, certainly not interpret it that way. I have spent long enough abroad to realise that. I realise that you also have a dilemma that I realise. But I say to you that I do not agree that your's is as serious as ours; this is the point where we differ. We have a firm commitment which we cannot overcome on the spot; this is our problem. We have an absolute commitment and I was trying to explain to you how it came about. That it didn't come about covertly or behind the scenes or behind your backs, or with any intentions of doing anything but retaining a certain momentum of people. You wanted us to remove discrimination based on colour.

Now, for you it might be easy; for us it was difficult. It was an arduous road to get to that point and in between we have accidents and hotels would be open but they would be closing the swimming pool and things like that. To you it is nothing but you don't know how much work has gone into that, to achieve this kind of purpose and we couldn't do it with a divided group of people in the territory. Now, they are united and the problem is that they have grown so strong - if I may use that term. I don't say that we have lost control over them, but certainly - I wish you could meet them.

MCHENRY :

Mr. Foreign Minister, I don't think that it comes as a surprise to you, the positions which our Governments would take with regard to the developments in the territory. Those have been stated over and over again. It is true that the developments had not taken place covertly, but it is also true that the positions of our Governments have been stated repeatedly.

BOTHA :

On this point?

MCHENRY :

On the question of developments in the territory.

MR BOTHA :

I disagree with you most strongly, I would like to ask you

MCHENRY :

But let me suggest

BOTHA :

No, but you can't make an allegation and not allow me to reply to it.

MCHENRY :

But let me suggest at this stage because I think it would be useful to our

work that both in our consideration of the statements which you have made to us about the restrictions which you have on you and both in your consideration about the statements that we have made to you, that it might be best if we both call those over.

BOTHA :

Yes, I think we better adjourn at this stage. Is that the suggestion?

MCHENRY :

I think that is the suggestion and then we can come back together, at your convenience.

BOTHA :

Thank you, gentlemen.

MCHENRY :

You will let us - shall we set a time for going back together?

BOTHA :

I think better not. Thank you very much.

MR MURRAY :

I think it would be rather helpful if we could set a time now for meeting together again.

MR BOTHA :

I have certain difficulties, Mr Murray. I'm not the Prime Minister of this country and I've got to report to him and I've got to report to him openly and honestly, as you might well think.

SCOTT :

Could I perhaps add something? I very much support what Mr. Murray said on this that even if we don't fix it now, we should agree to meet again, perhaps later today or first thing tomorrow morning because there are, after all, there is nothing in this - if I may say so, as one of the participants in this meeting - there is nothing in this which constitutes, as I fear you be interpreting it, as some sort of an ultimatum. What we are saying, is that there are certain things that we wanted to discuss and the order in which we discuss them, seems to me to be a matter which we haven't really settled at the moment. I don't think we should take any foreign element in this as being something which operates as of now, to prevent us discussing other matters in it because if we are going to take the question of your proposals for legislation, these are in any case not going to be taken by Parliament here until late May. As you have said yourself. Between now and late May there is time for quite a lot of discussions

So, I mean I feel it is quite important that we don't - if I may put it also very frankly - that you don't put to your Prime Minister suggestions in a way which would preclude further discussions. I think this should be a great disservice to all of us.

(All support this)

BOTHA :

What time do you suggest? We will be needing quite a while; it is quarter-past twelve now, according to my clock.

FOURIE :

I think, why don't we make it 4.30 because it will take us a time to get back what has been said here, it will take us some time to fit it in and I don't think one could make it earlier than 4.30.

MR BOTHA :

Is that agreeable to the gentlemen concerned? Thank you, gentlemen.

MR BOTHA :

I had an opportunity to meet with the Turnhalle representatives and if there is time this afternoon then I think I would like to make use of the opportunity to convey to you what we consider to be a major step forward as far as the substantive points are concerned, as we see them and interpret them, which we think will be accepted by the Turnhalle representatives but before doing so, may I ask, will any of you who wish to make further observations at this stage on the question of the institution of what you call the Turnhalle constitution, but which I would prefer to call simply an administrative re-arrangement or the institution of a local or unitary administration - is there anybody who wishes to make any remarks on that matter which presented us with so much problems this morning?

SCOTT :

Mr. Minister, I wonder if I could ask you to say again exactly what you had in mind. We were left in some slight doubt between ourselves as to what you were saying. We understood that you said that it was the intention to put legislation before Parliament before the end of May. Now, that you were prepared to recommend that this should not now be done. But I wasn't quite sure whether this was intended as a delay or merely an alternative way of tackling it; and indeed, whether the new administrative arrangements which you referred to, were really new administrative arrangements or whether they were in fact the interim constitution by another name.

BOTHA :

Well, here is - I can't give it to you of course - but here is the constitution. Here is the constitution which is now in the process of being put into legal language by the legal advisers concerned and which might run into anything fr

50 to 60 pages, which would have formed the basis on which the territory, would it become independent, on which basis the interim government would have functioned. In other words, there would have been a Law of Parliament -

SCOTT :

- of the South African -

BOTHA :

- South African Parliament, making this thing a Law, so that all future discussions, or rather all future constitutional arrangements would then have taken place in terms and within the framework of this Law. That would - although I hesitate to say so - but that is the truth - that would have constituted an irrevocable step in a sense that we all would then have been faced with a Law that Parliament has made and from which there would have been no departure unless we repeal it again which would have been impossible to explain to the public. It is that step which I am prepared to ask our Prime Minister to reconsider and it is that step which I am prepared to ask our Prime Minister and Cabinet to reconsider and not to introduce and not to create that irrevocable or irreversible situation for all of us.

As far as the, we have termed it, unfortunately, an interim Government - Government is not the correct word. Let me briefly explain to you how the territory is governed at present and then you will see. Quite a number of South African Government departments directly operate in the territory of South West Africa and administer - they don't govern there - administer their particular departments there. We have, for instance, the South African Railways, Railways Administration and, by the way, may I just mention, with an investment of over 300 million Rand; South African Post Office with an investment of over 100 million Rand. So you have various other South African institutions operating in the territory because the territory is small and they don't have the resources; this is what we had to do over the years and of course I don't want to make an issue of it now, there will have to be a time when we will have to discuss those investments, especially when we get to the stage c

withdrawal. There is no question about that. But be it as it may you have the Department of Bantu Administration and Development which is detested by the United Nations; which is considered an evil and has been considered an evil by our critics all these years. You have other Departments there like, say, Coloured Affairs which is not looked upon kindly by our adversaries and critics.

Now, all we wanted to do, thinking - and I think quite correctly - that we were making your task easier and everybody's task easier, was to introduce a re-arrangement in terms of which we could make it possible to have some of these departments withdrawn so that the people inside the territory itself can start learning to co-operate with one another and can start taking over some of these administration functions, now operated by some of the government departments - only some of them - to make our task easier of withdrawal eventually, which must come in stages and phases; to make it possible to comply with, say, some of the demands that are being made regarding the removal of discrimination and other matters. So what are we doing here? Here we are doing and we are moving in a direction which I consider to be fully in accordance with numerous United Nations resolutions, numerous, namely an end to discrimination, an end to apartheid, an end to this, an end to the fragmentation of the territory, into various peoples and Bantustans, etc. And what do we want to do? We want to introduce a unitary administration to replace a fragmented administration right now - that's all. That's all. Nothing irreversible is happening as far as some or all of the major issues are concerned, which you are concerned about; the issues mentioned to us this morning. Nothing will happen that will affect the execution of those if we can agree on it and the introduction of such an administration which we consider to be essential to achieve the very things which you ask us to try and achieve. That we cannot delay.

To that extent the Prime Minister is absolutely committed. He cannot in one breath tell the South West Turnhalle people that the constitution doesn't go through anymore, which they have worked so hard on, as well as this

re-arrangement of administration to which they have been looking forward and which they have demanded and may I say frankly to you, not by the Whites of South West Africa, but by the Blacks. By the Blacks of South West Africa. And that is why it was so extremely upsetting to us to hear that you are against anything of this nature and that is why I said with hesitation, but knowing what we can do and what we cannot do, that if we cannot even agree on that we cannot even reach some sort of agreement or understanding on this particular issue, with us being prepared to suspend the constitution which would have become Law in May, that we are prepared to do, but if you then from your side, gentlemen, cannot even see the necessity, the practical necessity, with which we are faced - We cannot stop hospital services or road building or for that matter certain day - to-day administrative matters tomorrow; we cannot do it. And we cannot carry on with a particular Central South African Government Department up to a point and suddenly tell its officials to get out. That we cannot do, that is impossible; that way nobody is going to achieve anything.

So this is what I had in mind when I said that I am prepared to go and talk to our Prime Minister and try and persuade him to agree to suspend the introduction of this constitution and not make this constitution Law by the South African Parliament, but that we can perhaps achieve it through another way by perhaps giving our State President the power, just by proclamation, to make an administrative re-arrangement of some government departments; or calling them any name - forget about the word government - that was just a suitable phrase we use, but that was a phrase we used when it was attached to the constitution at that time. If we divorce the constitution from the institution of this local administrative re-arrangement, then the word government would not be appropriate anymore; then it would, indeed merely reflect a change in administration of certain government departments. Because what have you got now? You have got now the position that some of the groups govern themselves ethnically and on a fragmentary basis, if you want to use that word. Some don't. Some don't even have anything to go by and for years we have been trying to get now the people together, since the Turnhalle thing started two years ago. Something which we thought, not only thought, something which

you reflected in your statements in the United Nations, in resolutions of the United Nations and now that we want just to give expression to this, we hear there is an objection. This is why we were stunned, my Prime Minister was stunned when I told him this, but because of Sir David's intervention, I think, I prevailed upon him to look at it again.

But there is another reason. You all know what our difficulties in respect of Rhodesia were - we won't discuss it, I just referred to it by way of example. The more factions the more groups eventually you have got to deal with in trying to achieve anything - and this is not uniquely Africa, it is the same with all peoples all over the world - the more impossible your task will be. Whether you agree or not, there in the territory of South West Africa not one homogeneous people living there happily together. There are various peoples. Right, if we must every time every thing is suggested, if I had today to call in eleven different factions or representatives or parties, I would not have been able to meet with you again until next month. This is a fact of life.

So you have one unitary institution at least, call it on the one side, if you have got another side, with whom we can speak at one time and they can make up their minds and they together can tell me how they feel as eleven factions together. Surely, you've got to see the sense of this. This was the reason why we feel, why I was really very, very disappointed that you can't see the reasoning of this; that you can't see the reason for this.

But be it as it may, I don't know whether there are any other questions on this matter.

RITTERSON :

Mr. Minister, just for a little further application by way of information. You have mentioned that authority over certain of these departments, and you gave examples, under this proposed administrative re-arrangement would be transferred into South West Africa. Well, what is a little unclear to me, if the proposed constitution would not be in effect, what authority would there be, in fact sort of running the operations of these departments within Namibia

Would it be an authority that looked something, that sort of looked like the assembly that was proposed or something that look like the Representative Authority, and so forth? Or would it be some other kind of body that was running these departments under this administrative arrangement.

BOTHA :

Naturally that it will have to be constituted in some form or another, otherwise I think it can't even run the few administrative duties it will have. What precise basis for that would be at this stage, I cannot tell you now. The big thing is not how it is constituted; the big thing is what is the purpose of it. I think that is the crucial matter of it and then the crucial matter, the institution of this is not something new. There are now local authorities all over the place in a fragmented form which you objected to. As a matter of fact, there are calls upon us to stop it; there are calls upon us to stop Bantustan authorities and things like that, and to stop moving further in that direction.

Now that we merely wish to replace certain functions now exercised by certain government departments, by a unitary system, for the first time, or it was the case many many years ago, it has changed all along, all through the years as I have said recently before the Odendaal Commission. The South African government departments themselves virtually had no say in the administration of the territory. With the Odendaal Commission it was decided that South African government departments, to save money and economize, were to a greater extent move in and take over the functions that were, at that time in the hands of local authorities in the territory and to a large extent what I proposed is that we merely put back - and must put back now - and put back those functions taken over by the South African government departments. Not all of them - they can't. They can't start running the Railways, that they can do and some others.

MCHENRY :

Mr. Minister, you are not saying - I asked this question, I want to be sure that I understand what you are saying, I have an impression which is distinctly different from what I have got this morning and I want to be clear on it. You are not suggesting that you would go ahead with the same machine which is proposed in the Turnhalle constitutional machinery, but that you would implement it by executive action as opposed to legislation of Parliament.

BOTHA :

That is correct, but I must warn you, or rather I must cover myself by saying that I cannot give you particulars at this stage because there is a change now. I could give you the particulars if we had stuck to the constitution and the Law of Parliament, but because I have offered to try and speak to my Prime Minister about this, and get that off and put it on the ice, we will have to do re-thinking on the particulars. But that is correct. We would not do it by Law of Parliament and that was the big thing, that was the big obstacle for us because quite a number of people already know that we were going to introduce this. So we are taking already quite a knock by putting it out of the legislative process.

MCHENRY :

Yes, but would you do the same thing by administrative action; is it going to be the same thing put now by administrative action instead of the Law of Parliament?

BOTHA :

The one big difference is that it will now not be an independence constitution that it won't be any longer - which it would have been had we introduced it in Parliament. That would then have formed the basis of the elections for independence that were envisaged. That I say will not be the case anymore. It will be changed, it will be a merely, an interim, provisional, unitary government over some of the fragmented forms of administration that exist in the territory, which we would have done in any case even if the Turnhalle

perhaps didn't come about in the way it did.

MCHENRY :

Would it have the machinery which was proposed in the Turnhalle ?

BOTHA :

It depends on what you consider as machinery.

VOICE :

Three-tier government.

BOTHA :

I cannot answer that at this stage, we will have to look at it because there is a change.

VOICE :

You understand our difficulty. I am trying to find out if the difference which you are speaking of is simply a difference in how something comes into being.

BOTHA :

No, there is vital difference. There must be a vital difference if I say that we might be prepared to suspend putting the constitution as Law through Parliament, and instead, administratively re-arrange some of the government departments in the territory. Surely, there is a vast difference between the two.

SCOTT :

Minister what would be the juridical basis of this re-arrangement?
Will it be provisions largely similar to those in the constitution?

BOTHA :

That I cannot tell you. We will have to look at it now. We will have to look at that aspect. We haven't had time to discuss it. This morning I still had in my possession a constitution which would have been passed by Parliament.

Adaptations will have to be made, to what extent I don't know, but adaptations will have to be made because if we continue to discuss some of the other points, then certainly you can work it out for yourself that if we can find some form of agreement on some of the other points, which I want to raise, then you will clearly see that adaptations will have to be made in the machinery.

MURRAY :

Perhaps two other points just for clarification, that I should like to underline at the moment. You will have noted that the word 'government', as you yourself saw, presents especial difficulties for us.

BOTHA :

I have noticed that but we've got onto that term because we were then talking about a constitution that would have been passed by Law of Parliament and in that Law the phrase 'interim government' would have been used. This is the point and that is how we got the term. If we are not going to pass that law and make it an independence constitution, the the interim government does loose quite a lot of its weight, it loses quite a lot of its expectations - this is certain. It hasn't got as a legal basis a Law of Parliament anymore, which would have run into an independent situation. That is why the moment you do not present that law to Parliament anymore, I don't think it would be appropriate any longer to talk about an interim government; it would be more appropriate

talk about an administrative re-arrangement, or a local administration re-arrangement, or something like that.

MURRAY :

Well, a country can hardly be governed by a re-arrangement. I think we will have to find some other word for -

BOTHA :

No, I repeat, there will be substantial governmental functions or functions of the State they would not have; quite a number. So that you cannot then speak of an interim government; they won't have the attributes of that.

FOURIE :

As you know, this interim government idea came from Rhodesia.

MURRAY :

And there is a third point and I think one that I make only because we talk frankly. As I take it that the people in charge of these unitary administrative arrangements, in other words, the body that would emerge in charge, would be substantially the present Turnhalle body that would have emerged if you had gone on as before?

BOTHA :

Yes, and no. Yes, to the extent that they will be in charge of those functions that would be taken away by other government departments, but no to the extent which I cannot now tell you for sure; I do not know to what extent elections, testing of opinion and a lot of other of the vital points would then still be possible in terms of adaptations which would have been made in terms of the constitution.

MURRAY :

But do you see these taking place before or after the installation of this new unitary administrative arrangement?

BOTHA :

If we merely go for an administrative re-arrangement as we did before, before we had no elections, as far as I know on this score, but I will have to check that; in other words, you do it by a mere executive act which you can in any case do. For some time after the introduction of the Odendaal Commission reports, it was the legal position that the State President would for instance govern by proclamation for a year and he could again if he so wished, if certain of the things didn't work, put it back on the old basis.

SCOTT :

In other words this should be seen as a continuation, in juridical terms, continuation of the present situation but with a sort of devolution of local administrative arrangements.

BOTHA :

Absolutely no more than that.

SCOTT :

I am just wondering if we should suggest, we ought perhaps to explore while not taking this any further and

certainly in terms of the legislation you made quite a big change in the underlying situation here without quite knowing the effects of that. I wonder if it would be advisable now to go on and look at some of the other aspects, as it were, in the package, the sort of illustrative points which were made this morning.

MC HENRY

I think it has been very useful to get this clarification but obviously it is something we will need more information about.

BOTHA

Thank you gentlemen. As I indicated to you when we started this afternoon. I for my part in discussing your package, as you call it, we now wish to introduce our package. Again this does not mean that this is a complete answer to the points raised here this morning, but sooner or later I believe we have got to see how the two sides balance or do not balance, how wide the gap is or how much narrower it has become. I have had the opportunity to discuss it with several people, and I have here by way of a summary of, let us call it an approach to the issue. Views and statements that I believe would be possible to persuade the Turnhalle to accept. Perhaps you would allow me to read them to you:

We accept that all the inhabitants of the territory have the right to participate in a fully democratic process in the exercise of their right to selfdetermination. Secondly, we further accept that before independence, elections will be held in terms of a constitution. Thirdly, we have not been hammering out constitutional proposals over a long period for nothing. On the other hand we do, however, fully accept that a constitution cannot be imposed on the inhabitant. In circumstances where some organisations alleged that the Turnhalle Constitutional conference was not constituted in such a manner as to truly represent the majority of the inhabitants, we are prepared to test the final draft

constitution on a countrywide basis before elections in terms of the constitution are held. Four, we are prepared to allow and would welcome international observation in respect of such testing of the acceptability of the final constitution. We are not, however, prepared to submit to outside supervision and control. It will be a further condition that the five Powers now involved will be represented during such observation. It must further be clearly understood that such powers will grant recognition to an independent S.W.A. in the event of such draft constitution being accepted by the majority of the inhabitants and independence then being obtained based on such constitution. Five, there is no objection to peaceful participation by all political parties and groups in (a) the testing of the draft constitution or (b) the elections to be held in terms of the draft constitution. The term "peaceful" is of paramount importance.

There can be no question of peaceful participation if the individual, or group, or party involved has a gun in his hand or is directly involved with associates outside the territory with guns in their hands. Six, it is obvious that the South African Administration will come to an end on independence. Seven, regarding returnees there is no objection as long as returnees come in peace.

Gentlemen, in the short time available to us I personally think that this constitutes dramatic progress. If you would permit me just to point out to you that I believe that these points do comply with all the basic elements of the demands made in the United Nations over many decades. I believe that if these points were presented to Dr Waldheim three or four years ago that South West Africa might have been independent by now or might not have been a problem. We could have come here trying to move slowly point by point, but you have come from far, you are busy and influential people and we have endeavoured with this to represent to you

something which we truly believe could form the basis of a peaceful settlement of this 31-year old problem. I do believe that you will agree that what is in here go a very long way if not all the way to forming that basis.

There is one point that was not mentioned here and that is the question of colour discrimination. We can insert that as well. The main thing is that if we go back over the 31 years you do not take just one resolution but you take the basis of the campaign, the basis of the World Court case of Ethiopia and Liberia, again the basis of the advisory opinion in 1970/71, take as a basis the speeches made in the United Nations, then you must agree with me that what is offered here does meet substantially the history of the dispute. Now I would suggest that you need time to discuss this among of yourselves and that we take another adjournment and meet tomorrow perhaps.

It was not easy, really it was not easy to obtain this. It was extremely difficult because at Fridays discussion with the Turnhalle people not half of this could be obtained. I did this by pointing out bluntly what you told me and doing so I found myself in a very unenviable position, bringing myself into a play between forces here, which personally I would have preferred not to have. We are doing bargaining here, we are doing negotiations, I merely wish in all frankness to tell you that it cost sweat to get this. I want you to look at this objectively and I appeal to you to determine for yourself how much is in it and maybe then we can discuss it further. Any suggestions?

McHENRY

Mr Minister I don't have any questions about the very specific terms you used in here- one, I would ask, that just quickly to mind, is that what you mean by testing the final draft constitution on a countrywide basis.

FOURIE

In fact those very words I think we also inherited from somewhere within the past.

BOTHA

Yes.

FOURIE

If we look on our documentation this was one of the request from you we granted that should be introduced.

BOTHA

It is really your phraseology now. You will find it in one of the last two or three aid memoire's presented to us, so we are trying to meet now what you asked.

BOWDLER

How did you interpret it?

BOTHA

We can discuss it, it is open for discussion.

FOURIE

We inherited from you, you might tell us what you have in mind.

McHENRY

We were not in the Security Council then.

BOTHA

It does not matter. I think it means what it says, but this specific method or formula is a question for discussion.

U.K. REPRESENTATIVE

Minister could I just seek a clarification on that same point, the words "the final draft constitution", what had you in mind by these words. This document or another document.

BOTHA

My friend it would have been right here now if we had gone ahead with the law, I told you.

U.K. REPRESENTATIVE

But it is not now necessarily that document?

BOTHA

No not necessarily anymore. This is the point I said to you earlier that adaptations would be necessary now. Had we passed this then of course elections would have taken place in terms of this final story.

Except that that was the interim constitution and not the final one.

BOTHA

No, No, wait a minute. This would have formed the basis for the final constitution. They would have elected their independence government on this basis. You could still have come and participated but you would have had to participate in these terms.

MURRAY

I wonder if it would be helpful at this stage if I offered some comments on paragraph four as seen from the perspective of the New York group who originally drew up the illustrative elements of a settlement. Paragraph four is the one which refers to this question of the international supervision and control. Since we have come here to discuss specifically with you the implementation of resolution 385 then for us,

"international", must remain the United Nations. The points you made were these: we would welcome international observation in respect of such testing but we are, however, not prepared to accept outside supervision and control and it will be a further condition that the five Powers now involved be represented during such observation. Now, from your own United Nations-experience you are well aware of the whole history of these words "supervision and control" and the debate that has gone on between "supervision and control" on the one hand and "observation" on the other hand.

Now the drafters of these elements wanted to introduce a measure of flexibility, in effect to define United Nations supervision and control in the way that seemed to us to provide the least difficulties for you, and you will notice, and I hope that if you have got to explain this to put the point into perspective that it is supervision and control of the electoral process and not of the territory. It is United Nations-supervision and control of the elections. We fully recognise that during the time of the elections people will be administering the country. We are not suggesting that supervision and control extends beyond ensuring that these tests are carried out fairly and to that extent they are not in our view widely different from your observation. They are merely shall we say, straight and thorough observation. Now having accepted that the United Nations was a body that you were not always prepared to regard as objective we tried to find a way that would make the United Nations element as acceptable to you as possible. It was for that reason that you will find no reference in this document for example to the Council of Namibia. We have suggested that the control would be exercised by a United Nations Elections Commissioner supported by the International Civil Service of the United Nations Secretariat. Now, we did that

deliberately because we felt that once you got into a question of national observers you might find yourself feeling that you were being much less objectively observed, than if you were observed by the international body. It is against that background that we would have to look at your further condition that the five Powers involved would be represented during the observation, because it is clear that if we five were represented others too would have to be represented and that you might find the others considerably less acceptable to you than even ourselves.

BOTHA

I am very glad you made these points. This is one - lets call it one of our thorny points. Let's face it, it is one of our thorny points. Perhaps the one. I fully realise that I have on my part presented your views in no uncertain terms and at great length to the Turnhalle representatives this afternoon and they are completely emotional and adamant about it. They say that the United Nations declared SWAPO to be the sole representative. By doing that the United Nations took sides, quite clearly they say, the whole world knows it, it is a fact. Now how, they say, can you have a body who already indicated its blue-eyed boy, the one they want not only to win and govern but who already in advance declared those to be the sole representatives of the people. They have already made the conclusions, a factual one. They have determined it, that is their reason. How can you have such an empire? How can such a body act impartially? You make a demand about impartiality, but impartiality is killed in the very fact, it is destroyed in the fact of the choosing of sides, quite clearly.

McHENRY

You have a long experience in the United Nations and perhaps more detailed experience than my own but I think you recognise that when we say United Nations it is a body with many organs

and it was not the United Nations that passed a resolution on SWAPO it was the United Nations General Assembly. There is a great difference of members here and in the Security Council and the authority of the Security Council as opposed to the authority of the General Assembly. I think is substantial differences of thought.

BOTHA

It's a point. I recognise it as a valid point, Mr McHenry, but I am faced with the severe problem - I have not completed my argument but this a point I take due note of it.

McHENRY

Could I just add a supplementary point that 385 does not, which is the basis of these discussions and which we hope will be the basis of future actions, does not designate SWAPO as the sole representative.

BOTHA

Yes, I agree. You are dealing with human beings who have a certain perception in their minds and with all respect quit rightly so. Their further fears emanate from this one, namely they say that they are worried that all of this is merely used as a pretext, merely as a pretext for getting the men with the guns into the territory and to have an exact repetition of Angola. An exact repetition of Angola in this sense...

Our friend there shakes his head but let me explain to you. There was a time when there was a interim Portuguese Government consisting of the three factions; FNLA, MPLA and UNITA. And at that time it had a Governor in Luanda who favoured one particular faction, a Portuguese Governor. So by the time independence approached there was no elections any longer. The other two factions were kicked out by force and the one faction took over without ever having tested any opinion whatsoever in that whole territory. As we sit around this table you might disagree but there is no doubt and there is no doubt in the minds of 22 African

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not assisted Mobutu more vigorously. They said there was no apartheid and no whites there and no nothing, and it is a recognised state with a recognised government, recognised by all the people and look what has happened. I said go and ask the Americans but they said you say they won't speak to us. They say well there is a lack of communication. But that is not my problem. There is a definite real fear, you can argue against it if you like but you can not argue against the reality of the fear whether it is right or not, there is a reality of fear based on facts that have happened, on events that have happened. They say that this is used as a pretext merely to repeat Angola to get SWAPO in a position of power. If SWAPO see they can't win the election in any case they will return to their guns, they have lost nothing. That remains an alternative open to them. They on their part must open up all the avenues for a fully democratic process. SWAPO might or might not take a chance, but if SWAPO loses they have lost nothing because they will return to their guns. So if something happens there now which puts them in a position where SWAPO can get into power the way the MPLA got to power then they have had it and they say you will not come to their rescue, unless I give them a guarantee that you will.

FOURIE

Can I just make a point pursuant to Mr McHenry's remark here that 385 is of course a Security Council resolution, that was the General assembly that made the determination as far as SWAPO was concerned. Now in 385 in the third paragraph it recalls a whole list of General Assembly resolutions and then it says as well as all other subsequent resolutions on Namibia. So this is from 1967 and in actual fact this very resolution 385 therefore takes note of those resolutions, recalls them, including the one which decided that SWAPO ...

McHENRY

In United Nations parlance recalling is a way of not proving, it simply recalls them. It is quite different.

FOURIE.

No I accept that but you know if anybody reading this .. the manner itself.

BOTHA

It is not spelled out.

McHENRY

You know it is our responsibility since we do know .. I would suggest more about this that, that point be made clear We are not talking about, with all due respect, we are not talking about a ..

FOURIE

What does recalling mean? I know I was at the United Nations too and sometimes they used to argue for an hour to recall a certain resolution or not to recall it. Now does it mean anything if you recall a resolution.

GERMAN DELEGATION

The General Assembly resolution defining SWAPO as the sole representative of the people came in December 1976. As far as I know for the first time .. since 385 cannot refer to that.

FOURIE

No, no, if it is subsequent to this then I fully accept it.

GERMAN REPRESENTATIVE

It may not be very valuable but interesting anyhow. One of the Black African Foreign Ministers of the front states half a year ago, when I explained to him that we cannot accept this formula that they are the sole and authentic representatives, because that would practically mean

authorisation FRELIMO way. He said to me that is not how we understand it. What we mean is that they are the only authentic spokesmen of the otherwise oppressed people of Namibia. The fact that they are prepared to go to elections contradicts the other interpretation that they are already a sort of pregone conclusive government party like FRELIMO. I don't know whether this is a single case, anyway it is a Minister who is in that business down here and I wonder whether this

a. is not a single voice and

b. we can use it in the further process to help particularl of Black African Governments to define this aspiration of SWAPO to that limited meaning which then if they come in with Turnhalle together would be meaningless.

BOTHA

I think the difference in my opinion is so slight that we are splitting hairs perhaps here are getting in semantics .. but what are we busy with here. You are looking if I understand you correctly for a process of testing which would be fair, which would be open, which would be reasonable which would conform with the type of standards applicable, I take it, in your own countries. That is what we are looking for basically. Whether we are using words like observation, control, supervision those are words but what are we looking at, what is the heart of the matter. We are looking at a fair process, a fair process that is what we are looking at. Now is it possible to volve one, is it possible to get to that point where it can be acceptable as fair. Is that not the heart of the matter.

U.K. REPRESENTATIVE

Mr Minister we have another concern, we are looking for a fair process under the auspices of the United Nations. I am using the phrase in just as general terms as

BOTHA

I realise that, but the question is can a fair process be evolved under the auspices of the United Nations.

FRENCH REPRESENTATIVE

Well it happened in the past.

BOTHA

It never happened in the past that the United Nations took the kind of side they took in this case.

FRENCH REPRESENTATIVE

In case of took over, in case of ... we had a United Nation observer we had a United Nation commissionaire, they were watching at the attitude ...

FOURIE

Yes a observer. Now observer, without going into the merits of the other proposal. Now there is in our opinion again if we understand words correctly, a difference between observer and a body that supervised and controls. What does control mean. I don't know

BOTHA

I think we must give further thought to this. I think also that the time has come now that at our next meeting I must ask our Prime Minister to be present. I think we might just have reached a stage where he ought to be present.

U.K. REPRESENTATIVE

I think Mr Minister, I am speaking on behalf of myself .. I think it might be helpful if you heard our initial comments on your proposals, which I admit - show great flexibility. I would not like you to think that we don't think that you tried to meet a number of our problems. So I think perhaps it would be good if you heard our initial reactions and then

at a subsequent, at the next stage for Mr Vorster to come along, Because I think there is still a good deal to be clarified in dialogue between us.

BOTHA

We take note of that. Can we ... do you want to talk about the time for our next meeting tomorrow. You must give me time again to meet with the Turnhalle. I will meet with them very early tomorrow morning say at 8.30. If you can give me an hour or an hour and a half.

McHENRY

We should also like some time for ourselves ... we start at 10 o'clock tomorrow.

BOTHA

It is acceptable to me if it is acceptable to the gentlemen here. Gentlemen, thank you very much.

Apologies are extended for a delegate.

He woke up this morning with a bit of a bronco cold and the doctor saw him this morning and was very keen that he should stay at home this morning to start on medicine but he would hope to be fit for any meeting we have this afternoon.

BOTHA

Thank you very much. Gentlemen, before we proceed ... on your part any one would wish to make a statement or observation.

PETTERSON

Well yes, Mr Minister, I might offer some observations if that would be helpful on behalf of your visitors about the very interesting exchanges we had yesterday in a general way that would be helpful. We have in reviewing our discussions of yesterday in the light of the three objectives which Ambassador McHenry set forth on our behalf yesterday and we would like to offer some comments with these objectives in mind. You will recall that the first objective that we mentioned, was that we should seek your agreement that the purpose of future negotiations should be to develop an internationally acceptable settlement of the Namibian issue consistent with 385 and by way of illustration we suggested that while the essential elements of that resolution must be part of an acceptable solution, there were of course a variety of ways in which these elements might be implemented.

Now from the useful comments that we have heard from you yesterday we take it that you do agree on some of the elements of 385 and acknowledge that there are a variety ways in which the provisions of 385 can be met. We should like to offer now some preliminary views on the extent to which the responses which you made are in our view consistent with the elements of 385. Firstly we noted your recognition in your first point of the right of the inhabitants of the territory to participate in a fully democratic process in the exercise of their right of determination, right of self-determination. We have also noted your agreement on the right of returnees to participate fully in the process of selfdetermination. For our part we agree on the importance of peaceful participation, however there are at least three elements of resolution 385 to which we referred yesterday which do not possess in your response and these missing elements are the release of all political prisoners in order that they may participate freely in the elections process. The cessation of the application of all legislation and regulations would, could impede for an open participation by all Namibians in the electoral process and the role of the United Nations.

Now as you know Resolution 385 calls for elections, and we have suggested certain ways to hold elections for a constituent assembly whose task would be to draw up a constitution. In your third point you propose to test what would seem to be the Turnhalle draft constitution on a country-wide basis. The constitution one might remark, which some of the parties had no part in preparing, whose drafters were selected on a basis which some of the parties reject namely an ethnic basis, and the constitution which makes that ethnic basis an integral part of the proposed government. Now these positions are not necessarily incompatible. One might elect a constituent assembly whose task eg. could be consideration of the Turnhalle Constitution and of other possible proposals for a government in Namibia.

Also as you know Resolution 385 calls for United Nations supervision and control of elections. In your comments yesterday you welcomed international observations including the five powers represented here and with certain significant conditions, but you rejected outside supervision and control. In part it would appear out of concern about the neutrality of the United Nations. However, I would emphasise that our suggestions for United Nations involvement in the election process represents in our view an inescapable political reality. You no doubt have based your own position on similar considerations. However, we do believe it possible to devise means to ensure fair supervision and control by the United Nations, perhaps with provisions to reduce what you may see as objectionable outside control.

We note your concern about ensuring a responsible government during the implementation of the vertical process which we have proposed. We would call your attention to our suggestion that in consultation with those mainly involved the Government of South Africa could develop a plan for its withdrawal in stages from Namibia so as to assure a smooth transfer of power at the end of the political process. Elections, properly conducted, would in our view reduce both the basis for and the likelihood of a refusal to abide by the decisions of the inhabitants of the territory. However, the parties

might agree on means to ensure respect for the decisions of the people to maintain law and order.

Now our presentation and your response indicate general agreement among us that there are a variety of ways to implement the provisions of 385. This merely confirms the importance of the second objective which we have, as described by Ambassador Henry. We seek South Africa's cooperation in developing a negotiating process in which the parties primarily concerned will be provided with the opportunity to participate in the development of any settlement. As you will appreciate, we are not empowered to negotiate for the parties, but we can explore ways of facilitating the negotiations. It is clear that even with the best of intentions and with the full cooperation of all parties, the process of facilitating the peaceful transfer of power to the people of Namibia will not be easy. That is why as third objective we are seeking South Africa's agreement that all parties concerned in the negotiations must avoid steps which would foreclose the possibilities of arranging an internationally acceptable solution, and in this regard we emphasised the serious consequences which might follow from the implementation of the Turnhalle draft constitution.

Now we take it from what was said yesterday that your suggestion that South Africa may be prepared to refrain from parliamentary action on the Turnhalle Constitution, but instead make some administrative re-arrangements as you said, was in part designed to meet this concern of ours. We fully appreciate that you may not have had sufficient time to provide us with the details of your proposals in this connection, and we must preserve our comments until those details are available. However at this stage we can make certain observations, as follows:

Firstly, to the extent that your proposals for administrative re-arrangements introduces changes in line with the substantive contents of the Turnhalle draft constitution, it will surely further complicate our search for an inter-

nationally acceptable solution. This will be true, however temporarily, in a juridical sense, the administrative arrangement. And to the extent that your proposal is indeed merely an administrative arrangement, it may not overtly further complicate our task. However, the possibility of reaching an internationally acceptable solution is already sufficiently fragile that the laudible objectives which we understand are your purpose might in our view be served by a delay.

This is all I have to say at this particular time.

MR. BOTHA :

Thank you very much. Anybody else?

If you will allow me, I think I better start by saying that as regards this last point, namely the question of the administrative rearrangement or the institution of a more centralised local form of government, whatever one calls it, you will recall that at the beginning of our talks I spoke to you very openly and candidly about a firm and irreversable and irrevocable commitment of my Prime Minister. And I tried to explain to you how it came about, that there was a momentum whether you recognise it or not, it was a fact, a fact of life, that we were trying to do our best to move away from the very things you complained about, namely a fagmentary form of government, that the black inhabitants of the territory were excercising great pressure on my Government to allow them, not so much more powers, but to give to them the existing powers excercised by existing government institutions. Gentlemen, I must appeal to you to try and see it in this light that for the South African Prime Minister to say no when Black inhabitants, whether you now agree with the views of those Black inhabitants, they are human beings, and they are residents of this country and they have made names for themselves abroad for many decades as critics of the South African Government, but that is a reality and for the South African Prime Minister to say no to them when they say that they would wish to excercise powers that hitherto have been excercised by South African Government departments, then I must reiterate

that I find it hard to accept that you can have so much objection to such a re-arrangement. I find it hard because nothing inside the territory is changed substantially irrevocably. Nothing in this will make impossible the other points you raised, but to go and tell these people who worked hard for two years to move in a direction - I say, I repeat which you've urged us - you've urged us that we ought to do certain things. You now quote Resolution 385. Frankly I see nothing in 385 that says that as far as the Administration of South West Africa is concerned there cannot be changes in that Administration if those changes are intended to be in line with the very things that are contained in all the resolutions of the United Nations. I concede to you this, that if the proposed change would have brought into being a situation which from then onwards - from the time of institution of this new arrangement would have made impossible the other aims that you have put to us, then I must concede to you that you have a case in my opinion - but from a moral point of view, from a legal point of view, there is no change.

You do not recognise at present even the South African Government's right to administer the territory, and yet you are prepared, which I think is sensible, to sit around this table to talk with us today in an attempt to find a peaceful solution. Because what is it that we want, all of us. We want to save human lives, I think that is the main aim of all of us here together around this table today in the broader sense of the word. We might have differences of opinion as to how to go about saving human lives, and I think there are differences of opinion. You have a certain basic point of departure, we have another one, and we are endeavouring our best here to see whether through talking frankly with one another we can close the gap in this basic difference that we have. In doing so I must emphasize that I just cannot, honestly I cannot see what really is your objection, or rather I know your objection but I cannot see how that can form a stumbling block for you. I cannot see how it can form an insurmountable obstacle for you, when all we are doing is to give inhabitants of the territory, whether you say it is legal or not, because right now you do not in any case admit that what is happening there is legal,

when what we are doing is to enable the people on the basis of their own wishes, which can later be tested. It can be tested so there is nothing irrevocable about it. But giving them a more unitary form of administration than they have had up to now. Now you can also look at it from another point of view. There is at present in existence in the territory an Ovambo Government, there is a Kavango Government, there is a Caprivi Government. Whether you recognise them or not, they are there, they are functioning. There is a White Administration, there is a Rehoboth Baster Administration, there is a Coloured Council. And these are functioning legislative councils. The three groups who I think do not have formal, but formal institutionalised forms of legislative authority now are the Damaras, the Namas and I think the Coloureds to some extent because their council hasn't proceeded that far, and the Tswanas. Together these groups that I have just mentioned, form about roughly speaking 100 000 out of a population of roughly speaking 500 000 to 900 000 thousand people, not even 15 percent. So that the basic situation, the practical situation that we now have, from your point of view a practical one, from our point of view a legal one, is that the vast overwhelming majority of the inhabitants in some form or another now govern themselves. They do so

The Ovambo that forms the greatest number of people as a single unit, about 46 percent of the total population, have an institutionalised legal form of government - you don't recognise it, SWAPO doesn't recognise it, but they are in power and they now can pass legislation, regulations, subject I think to our State President's approval, and they are in effect governing themselves in fact. They have therefore the right, taken together, to do all the things which a more unitary form of administrative arrangement is going to do. There is nothing whatsoever now in law from the South African point of view to prevent the Ovambo Government, the Kavango Government, the Caprivi Government, the White legislative authority, the Baster Council, to a minor, less extent the Coloured Council, to join together in Windhoek and each on its own quickly passing a resolution or a law signed by our State President, and then be made applicable as it is, to all those people and to the territory. Nothing whatsoever, there is nothing to prevent them. The

powers therefore do exist. It can be done. And all that is happening is that instead of - let me put it this way, summoning all these various legislative organs into a central point to pass one by one, what is going to happen is they will pass it simultaneously, sitting together. I cannot for the life of me see what can be wrong with this. I cannot see what is so drastically new, I cannot see in which respect you are of an opinion that it changes the de facto position. We maintain it does not change the de facto position. We further maintain that it does not make impossible the possible achievement of all the other points you've mentioned. I don't say we will reach agreement but the reaching of agreement on the other outstanding issues, I maintain, is not dependant on the institution of this administrative re-arrangement. It is not dependant on it. If it was, yes then I would have had logically and otherwise to concede. I repeat it - we started yesterday morning our discussions with this obstacle looming before us. I told you at that time, in all candour that my Prime Minister committed himself firmly on this point. That he just could not delay and he could not avoid executing that commitment. If that is to be done then I must tell you in all frankness again, then the achievement of your objectives will indeed be made impossible.

Should the South African Prime Minister endeavour or even consider to do that, I can assure you here that the achievement of the other objectives would then immediately become impossible. This is the difference between the two situations. If we institute this new arrangement the achievement of those objectives would not be impossible. If the Prime Minister doesn't comply with his commitment it will be impossible. I feel I must tell you this in all frankness.

PRIME MINISTER :

Mr. Fourie would you like to supplement my remarks?

MR FOURIE :

I think some of the other details we'll comment later on.

MR BOTHA :

Some of the other details yes, the other details of what form it will take, what exactly it will mean, the questions you asked yesterday. I've only had the opportunity to meet with the Turnhalle representatives this morning and we almost ran into the time for this meeting. I'm trying to see them again as soon as possible after this meeting, and I hope then to be in a position to give you more clarity as to what exactly or more or less it will mean in terms of let's say formulation of concept or form.

Now we've taken note of the other observations made by the Canadian Representative. You must assist me here on one point, and I think we better make that our starting point. I think, I suggest that we discuss this a little bit further to see whether we can develop suggestions, and that this is the one I myself calls the thorny one. That concerns the United Nations involvement in this process. I have explained this morning your views as fairly and openly as I could and I was immediately accused of exerting undue pressure on the delegates of the Turnhalle. They find it hard to hear from me your views, and they find it apparently almost impossible to accept that I have a duty to convey your views to them, but in doing so they substitute me for you, unfortunately, and maybe that was the reason for it but it doesn't matter, we all have duties here which we must comply with. They restated their fears in no uncertain terms, and one of the delegates, Mr. Kapuuo himself, said to me this morning. He said 'thank you Mr. Botha, for telling us what the five countries have told you but as regards your point' - and that's a point I made to them namely that you have not as such recognised SWAPO as the sole representative, he said that he was in New York last year and asked to be heard by the Security Council and he waited there fourteen days. In those fourteen days he said up to that stage he had appeared before the United Nations organ about ten times more than Mr. Nujoma. He was one of the torch bearers of the fight in the United Nations against the South African Government. That fact was known to all the countries in the United Nations, that for years and decades the

United Nations accepted his testimony, accepted him as a representative, doesn't matter of who but of some of the people in SWA. They used his testimony in resolutions, dined and wined him all the decades, and then when he asked to address the Security Council he was turned down. But when the SWAPO representative asked to be heard you agreed to it. And then he asked me, and he said to me 'how can the five nations now allege to you Mr. Botha, that they are neutral when they do that kind of thing, not to a newcomer, but to a man who have appeared in the United Nations, in various committees of the United Nations, for decades. I told him that it was a valid point and I would raise it, and I have raised it now, I have mentioned it to you. But that prefaced their further comments, namely that they simply maintain that there can be no neutrality with the United Nations involved. I've told them that you've told me that you've avoided reference to the Council for Namibia. I told them that you went out of your way to get a system, namely, a civil service organisation of the United Nations to come and do the job. I told them that there would be no direct intervention in the elections by this organisation. I told them that the purpose was not to come and lor over and dominate and dictate procedures and things like that, but I compared it with traffic lights that become green, yellow and red and arrange traffic in an orderly fashion. That is the symbolism or parallel I used. They then came back and said, but they want to know more about it. They want to know how do you foresee this happening, what exactly is meant by the word 'supervision' 'control' and 'observation'. I mentioned to them that the United Nations had a hand in these matters in a number of countries and that they will probably have to study this to see what kind of role was played in the past in some other areas. I went out of my way, that's all I'm trying to tell you, to explain to them as widely and broadly as possible how you fee about it, but I think you will agree with me this is an area which forms perhaps one of the main obstacles in our negotiations and maybe we should just informally talk with each other now about this aspect to see whether we can develop some form of a more concrete proposal here. What is it exactly in more detail that you have in mind, how will it work, the way it will be implemented, how can guarantees be obtained that it will be a fair and secure

kind of operation. What would be the limits of intervention - I think we ought to discuss this a little bit without any prejudice to each others basic positions here. You know of course that we have at no time throughout the history of this dispute recognised United Nations supervision and I've pointed out to the Turnhalle delegates this morning that you were not asking supervision of the administration, but that this concern the electoral process which in my opinion is a different thing. I told them that as well, but be that as it may, I think we ought to just speak aloud, if I may use the term, just informally with one another to see where do we stand with this concept of United Nations involvement.

SCHRICKE :

So Minister, as you've said there would be no direct intervention of United Nations observers in any administration and that they would not dominate or dictate anything important. As you've said too, we could have choosed different ways for the designation of the observers and if we eliminated the Council of Namibia, if we eliminated the Mission of states, it was in the prospect to entru a Mission who would be as impartial as the official observer of United Nations Secretary-General would be. I stress the observers would be appointed by the Secretary-General of the United Nations. They would be civil servants, and looking at what have been done in the past in the same cases, I think we may be sure these observers will be chosen amongst neutral and objective people.

MR. BOTHA:

Excuse me, may I as you go along interrupt you because as questions crop up in my mind - if it's uncomfortable to you, tell me then I would not do it, but you used this there is immediately one thing on this pair what assurance will there be that they will be objective of or whatever term you use.

SCHRICKE :

Because they will be chosen by the United Nations Secretary General.

BOTHA :

But who advises the United Nations Secretary-General on this point?

SCHRICKE :

He is advised by his councillors. He does not take part in the dispute I would say, he does not take part in the different political views. He will try to find some civil servants who shall assume the task of supervising elections in an objective way.

BOTHA :

Then has South Africa got a role in that?

SCHRICKE :

If he choose Africans he will choose them among countries who should be considered like neutrals in that case.

SCOTT :

But the Minister's point was, would South Africans have a role in the choice
.....

SCHRICKE :

South Africa could give advise certainly

BOTHA :

May ask to use one of your terms, what supervision or control would you or anybody else have over the selection by the Secretary-General.

SCHRICKE :

I do not understand your question.

BOTHA :

The Secretary-General now gets a certain discretion to appoint staff or personnel. My question is does he do it completely in his own discretion

or does South Africa have a say if he should appoint say for argument's sake, I don't allege he would, but say for argument's sake he appoints such a one-sided group of persons to do the job.

SCHRICKE :

Well it is not decided but we may foresee he would consult the different parties interested, including South Africa

BOWDLER :

Mr. Minister if I may interfere. I think it has always been the practice of the United Nations Secretary-General whether it is for peacekeeping forces or whatever, to consult all the parties mainly involved in a very informal way, always retaining the final decision to himself. He has to remain to the greatest extent possible, impartial. Obviously in a situation like this that is admitted. We all know who the parties mainly involved are, and he would make sure that whatever the people he chooses are not objectionable from anybody's point of view.

BOTHA :

Will he choose countries or individuals?

BOWDLER :

I think individuals - individuals from his own secretariat, from the international civil service, but even then, even though those people are supposed to be without nationality at that state, I am sure that he would choose people among them who are unobjectionable even though they happen to have a nationality. In other words I don't see him to speak very frankly, choosing Russian nationals. I don't see him probably choosing any other great power

SCHRICKE :

Maybe Scandinavian countries - or Latin America, and ask for the Commission Jurists. Half of the commission would be South Africans and the other half from other countries. That is why we pointed out that the president of the

commission should have a casting vote because of course a dispute should be settled without any delay. Half of them should be South Africans.

BOWDLER :

What we want to say here is that the object is to develop a system of consultational departments where the task of fairness can be accomplished and it may be necessary to develop machinery which has checks in it, but there is no hard and fast and decided way in which this can be done, it simply takes men of goodwill, sitting down agreeing on things and trying to develop the details of it to achieve that effect. And what the French representative is pointing out is one way now obviously we cannot ourselves, as the parties will have to agree on what specific procedure there is. It does seem to us that there are a number of ways of conducting elections where the fairness of the elections can be assured and where some of the concerns which makes this contractual one party or another about the neutrality or objectivity can be taken care of.

SCHRICKE :

Now I was just to point out that this Commission of Jurists we spoke about was just a view on the way to settle the dispute we may have. There may be some other solutions of course.

BOTHA :

Yes thank you very much. Have you completed your statement?

Yes.

.....

Mr. Minister, may I have just a small additional comment on the point which you raised how do we know that the officials whom the Secretary-General may appoint for this exercise would be reasonably impartial. I stand to be corrected by others but some investigations that we undertook into the some eight occasions on which the United Nations has supervised elections, did not reveal - there were a number of problems that arose,

but that was not one of them. When the various groups of United Nations officials were in the place, it did not appear that they were seriously accused of partiality. That of course is no guarantee about the future, but this past United Nations experience in the electoral field has not been too bad and several of the experiments that have been conducted have been in very difficult conditions in Africa itself where circumstances are not widely different from what will be in Namibia .

..... your own Ministry either already has or will be looking into these past experiences.

FOURIE

Minister, I have got further information. The general idea of what is usually called the observers would do of supervising elections, etc, is the general idea to adhere more or less to what had happened in these previous cases because if you say yes, then we can study very carefully these previous cases to get a fairly accurate impression of what is involved, because the Minister is faced everytime he goes back to the Turnhalle crew, with this question: What exactly does it involve?

Now, as Mr McHenry has said, one should sit down in a spirit of goodwill and evolve a system whereby impartiality can be guaranteed, but it would give us a general sort of idea of how to assess and analyze the situation for the benefit of the Turnhalle if we know what you have in mind is something on the lines what had happened as far as these past cases were concerned.

McHENRY

Well, I think, we can say this, that the past cases give us some idea of the kinds of machinery which can be developed and you also give us some idea of the success or failure or your shortcomings with that machinery. It may be that none of those cases precisely fits the particular circumstances of Namibia, and it may be that one would have to draw on the past experience and make suitable alterations for this particular territory.

I think it is very difficult to say, with any precision, that what worked in the Cameroon will work in Namibia or what worked in the book - Islands will work in Namibia will work in Namibia, but it does give us some indication of the types of machinery which can be devised and that plus a study of the specific requirements of Namibia would allow I think, men of goodwill to sit down and develop the specific machinery for this case.

FOURIE

When you say 'machinery', Mr Ambassador, I take it you also include the functions?

McHENRY

Yes, naturally. I think what the Ambassador probably implies is that the initial organisation of the electeral process will remain with the different people of Namibia.

FOURIE

Yes, this is a cardinal point. I am very glad you've made that point.

PATTERSON

What you then must do, is ensure that, whatever process they chose whether they adopt the one way or another way, the United Nations will supervise that in the sense that it would be considered - that they would say it is fair; the electeral process will be carried out in a fair manner; they will check that the things are happening in a proper way. Now, whether because the Bushman have certain traditions or do not know how to read or write, all kinds of questions like that will have to be taken into account, but the United Nations will simply ensure that the way chosen, is a fair way - will end up in wherever people are, in their casting a ballot in a proper manner and expressing their view in a proper manner.

BOTHA

This is a genuine expression of the man's feeling.

PATTERSON

That's right. Somebody who would supervise that the people have freedom of movement to get to the poll booth.

FOURIE

I am very grateful to the way you started, because that gave the answer to some of the questions put this morning.

MURRAY

Mr Minister, I was going to start off by picking up Ambassador McHenry's point and saying that when you do your study of the 8 or 9 occasions when the United Nations has been involved in elections in the past, I think you will find alas, that in each one there are special factors to be taken into account and that all you can do is to draw up a general framework of what United Nations involvement amounts to. But perhaps I can speak on a certain section of Special factors I have myself had to deal with because I am probably the only person in this room who has been chairman of a United Nation Mission that was involved in an act of public choice. And the act of public choice was the question of whether or not the people of the Mariannas should become a Commonwealth of the United States when the trust territory comes to an end.

So I do know what is involved in jawing up or arranging an act of public choice. There has initially to be certain legislation. I draw up the word-use the word in a very broad sense. I'm not certain - I'm not saying what body it is to be passed by, but there have got to be certain rules. Now, these rules will cover - who is going to vote, where they are going to vote which raises the question of constituencies, and what they are going to vote about. And these are the fundamentals, there has got to be rules.

Secondly, that there is rules for the actual day itself. There have got to be rules for the political campaign leading to the elections and these rules will cover such matters as participation by political parties, campaign expenditure, access to the media - newspapers, broadcasting; the qualifications for candidates - sorry, candidates should have been in the first section. Then there will be a third section which will deal with simply administrative arrangements; when the election will be held, how many polling booths there will be, questions of right of access to polling booths.

Now the first thing that any United Nation supervision on control, or whatever it is he must do, is he must ensure that all these regulations drawn up for the conduct of the election are fair regulations. That is the first task.

Now

FOURIE

They don't draw these up, they - this is the point.

MURRAY

.. again this is what we are talking . One way that they can help to ensure that these regulations are fair, is to help in their preparation, but it is not essential. The United Nation team would, and I speak personally, I am just trying to be helpful. I speak personally, it is not absolutely essential that they participate in the drawing up, as long as they can say: These were fair regulations. So for their first task.

The second task is during the political campaign to ensure - that the campaign is fairly conducted, and I won't mix my words, because it was a task I followed with regard to the United States administration in the trust territory of Micronesia, to make sure that the administration or no one else is trying to influence people unfairly, illegally, illegitimately. There are many ways that this can be done, not merely by the administration but coercion by violence. So that is the role of the - during the campaign period and finally on the day itself, the observers are there to see that people are allowed to proceed to the booths without let or hindrance, that when they are in the polling they can poll in such a way that their decision is not known when they are doing it, or can be deduced from what happen afterwards.

BOTHA

May I ask this point, it's like you say, interalia, that to make sure that the administration or any other entity is not trying to influence the people unfairly?

MURRAY

Yes.

BOTHA

Do you mind to expand on that a little?

MURRAY

Well, I was using the - that the Administration should not be influencing people at all, so that almost any action on the part of the Administration would be unfair, but political parties are perfectly correct, or individuals are perfectly free to influence other individuals, provided they do it by legitimate campaigning methods and not by hitting him on the head or intimidation or threats of violence.

FOURIE

But when you say the Administration should not influence voters at all, I take it you mean by that, the South African Administration, because you have passed the political set-up in part of Administration. You can't for instance withhold say, a spokesman for the Government of Ovambo, to try to assert their point of view, making speeches etc. because that would really be tantamount to having an election in a country like the United Kingdom where you would say ministers can't participate in the election. I take it thus, you don't have in view -

MURRAY

No, no

FOURIE

.. those authorities you have in view when you talk about Administration specifically

MURRAY

people like the police - Well, and people like the police

FOURIE

which is part of the South African

SCOTT

or take administrative measures, is that what you mean? For instance, even if the people themselves are involved in the campaign, because our political here

FOURIE

No, it was the word 'influencing' that I was referring to

MURRAY

You can imagine - I am not speaking from notes Mr Fourie, I am just speaking (laughing) - if my choice of words is not always

SCOTT

Because it is easy to imagine that an administrative measure could have an influence

by threat or otherwise of a certain part of the population

MURRAY

Could I just finish my explanation by saying that in all this there must also be a judicial element; all along the line disputes will arise, whether or not things are being conducted in accordance with the rules laid down, and clearly that decision cannot be left to the election supervision the - as it were, the administrators of the election, nor to the administration. It must be left ultimately to some juridical body which decides strictly on a basis of law. So that is why our French colleague in talking about our earlier proposals, foresaw the creation of a juridical body on which South Africans might well be represented to decide where there were disputes arising over the correct interpretation of the electoral regulations.

So, I hope that by this intervention I have shown the complexity of the problem, but also the fact that there are precedents for tackling it. Could I just make one statement - one point that I made - intended to make earlier on, and that was on this question of the objectivity and fairness.

We have put this task ultimately in our proposals on the Secretary General of the United Nations - now I know the Secretary General and I am quite convinced not merely because of his obvious, but because of his temperament, he would wish elections not merely to be objective but to be seen to be objective and neutral by all the parties concerned, and I am sure for that reason he would proceed with greatest caution, because he certainly would not wish to go down in history as the man who could have raked a United Nation election. He would be - his actions would be subject at every stage to the most careful scrutiny by the people round this table, and he would know that he was subject to that careful scrutiny, and I am sure therefore, he would take every step to be seen on every side to be behaving in a thoroughly impartial manner.

BOTHA

Mr Murray, would the South African Government also have observers in this set-up?

MURRAY

No.

BOTHA

No.

MURRAY

It will mean that that would remove impartiality forthwith unless it was balanced by some observers who are reckoned to be partial on the other side.

FOURIE

But administratively there would be observers - not observers in the sense that you are referring to here, because obviously you have got officials who will have to assist in the election. You've got to use the word 'police' - police must maintain law and order and if the police become aware of anybody hitting someone else over the head in the course of their ordinary duties they would naturally become involved.

MURRAY

The Administration, in whatever form it is, must be there so that people can proceed freely to cast their votes. We all acknowledge that, and clearly a the body that is supervising and controlling elections, is not running the country. Someone is running the country.

FRENCH REPRESENTATIVE

No, they don't substitute that service - they must get those of course while they are going on with their normal task.

MURRAY

But as I say, all this is just indicative as Ambassador McHenry said, we are not here to act as negotiators. We are just indicating the approach and trying to encourage you to see that there is a way forward that meets those of your concerns which we would regard as perfectly legitimate and normal. There is a way forward given goodwill or not so much goodwill, with determination to find a satisfactory solution.

McHENRY

And basically the experience I think, the overall experience of these United Nations supervised elections has not been too bad, I mean one has actually - it doesn't come to my mind - maybe there are some examples, but I am not aware that various things that have been supervised turned very sour - I mean some were better than others, but there have been - I stand up to correction, but I don't think there have been any gross failures, and there is a real success -

There have been some complex ones, like the Papua in New Guinea, is a perfect example.

BOTHA

Which one Mr McHenry?

McHENRY

Papua New Guinea.

McHENRY

Far more difficult than - what you suggest they may have in Namibia.

(LAUGHING)

BOTHA

Gentlemen, it has been very interesting listening to you, I wonder whether you would agree with me that we endeavour to proceed rather step by step then taking too many steps at one time. I wonder in the view of the observations made here this morning, whether it is not the appropriate thing to now again to adjourn, and to give us an opportunity to ponder what you have said and then for us to meet as soon as possible today.

McHENRY

I think that the - be useful - I would like to ask at an early stage you address the - what elections are about. Now, it is not as my Canadian colleague made clear this morning - not clear on the paper which you gave us yesterday. What the elections are for - the elections are on - the election of the constituent assembly, to draw up a constitution, or were they as we seem to have Now, you have proposed to test the acceptability of the Turnhalle constitution.

BOTHA

Asseblief, Brand.

FOURIE

I think in some of the discussions or even on what has been said here, we referred to, or you, some of the spokesmen here referred to Constituent Assembly. Now, I have heard it said also, perhaps not here, but in private that such a constituent assembly, if and when elected, could make decisions for itself -

could either decide to go on with the Turnhalle constitution if it so wishes or if it doesn't like it, then to make decisions for itself. I am not saying, is it a position that the Government or the Turnhalle will accept it, but we would just like clarity on this point ourselves because it is going to be helpful to the Minister when he speaks to the Turnhalle to make this clear. Is that the correct interpretation?

CANADIAN REPRESENTATIVE

I mentioned this morning that we could think in terms of having elections for a constituent assembly which could consider the Turnhalle constitution and such other proposals as might come forward. So that's it.

BOTHA

Yes, I would have been surprised if that was not the case, because otherwise I mean, it means nothing. There is no opportunity for an open decision then.

Thank you, gentlemen.

MURRAY

Mr Minister, could I just make one point before we close, because it is related to your initial intervention which we didn't comment on at the time. This question of interim administrative arrangements. Now, the harsh reality for us is that this is not a legal or juridical problem as far as we are concerned. We - I personally would be prepared to see certain force in some of the legal aspects of your argument. It is overwhelmingly a political problem. We are involved in an exercise of bringing people together in our view all the parties to the Namibia situation are not in this building or indeed in Cape Town at the moment and we know that if we are going to have a satisfactory settlement we must involve all the parties and not beat about the bush. We've got in some form, and in some stage to involve SWAPO in it, otherwise the thing won't stick internationally or domestically.

Our objection to the setting up of this interim arrangement is that in our view, it will make it much more difficult, if not politically impossible, our task of involving all the parties in the settlement, and we do honestly believe that if we are, with your help, do devise a settlement that is going to last, then somehow all the parties must be involved.

FOURIE

As the Minister said, Mr Ambassador, here too it is a highly political situation. It is not only the case of your side.

BOTHA

Yes, I cannot take it further, but repeating what I said yesterday. My Prime Minister is committed irrevocably - it will make it impossible, completely impossible to achieve the other objective if he must break his firm commitment on this point. He doesn't challenge any. There are now an existence in the territory, organs with exactly the same legislative powers, with exactly the same functions that would be brought about by the institution of this unitary form of administration. In other words, we are telling you the argument against your's is that there cannot be any substantial change from an existing position. There is nothing they can do or cannot do that can be done now just through a very difficult fragmentary and almost I can say organisation that goes against what you wanted. Now, you want to achieve the points you have raised - of course it is for you to say what your views are - but we believe that the achievement of those points will be made easier. The very achievement of th I don't know whether they will be, but I say to you and I assure you, they will be made easier if this is done. They will be made impossible if it is not done - that is the difference.

mcHENRY

This is where the importance to us - and it is very important to you, the details of what you're saying. A clearer explanation

BOTHA

That's why I've said, give me a little chance gentlemen, because there are changes in the air, but I cannot tell you. I must be sure what I tell you, I don't want to mislead you. I don't want to mislead you.

BAWDLER

What I would like to know, is there any decision to the Prime Ministers commitment that you have stated several time that is the commitment to a unitary form of interim form of administration - is this the way to describe it, or what?

BOTHA

Yes. Yes, there is a firm commitment to the Turnhalle representatives, and that commitment flowed from a long history. The Turnhalle started two years ago. At first it was not recognised by anybody - it was not even mentioned, but you know yourselves that later on interest was expressed in the work they have done. I think the lynchman here, is simply what I have said when they came forward and said: Look, why must certain Government department do certain functions, why can't we do it? Now what difference does it really make whether the South African say Department of Bantu Administration is fullfilling certain functions? They are still there in terms of a South African legal act or persons. What difference does it make whether it's happening out of this form (a) or form (b)? The difference from our point of view is that it is then done by people from the territory, whether you recognise them or not, but surely it can't make a difference from your point of view whether it is a white South African who is doing it or a white South West African or a black South African or a black South West African? What difference can that make?

McHENRY

Alas, Minister, it does. Mr Minister I think that the real - I mean it can and the only thing that - the only way we can make any intelligent comments, is to get the details.

BOTHA

Right, I agree. I agree with that. Are we all agreed that we then depart now for the time being?

VORSTER

May I again say, gentlemen, that you are all very welcome.

BOTHA

Mr. Prime Minister, what happened so far is briefly the following. The five countries represented here, have presented us on the first day with what they called their three main objectives and then they indicated to us by way of illustration how they thought those objectives could be met. They stated briefly the objectives. I would say the main one is to achieve an internationally peaceful solution to the problem of South West Africa and that they would wish to seek South Africa's co-operation in achieving this purpose.

Now I have only briefly informed you as to the illustrative examples which they mentioned to us as to how to achieve it. What then happened was that I consulted with the Turnhalle Conference representatives and yesterday we on our part presented the representatives of the five countries with what could be termed a summary of the approach of the Turnhalle in response to the points, proposals, what we want to call it, of the five countries. It didn't fully meet, as was quite rightly stated this morning by the Canadian representative, it didn't fully meet all their points, I think they will agree all of them that there was no time and it was a practical impossibility to fully meet or discuss their points in the short time available to all of us.

There are quite a number of outstanding matters, Mr. Prime Minister, that will still acquire, in my opinion, considerable discussion and exchange of views, but as things turned out there were two major points which I called the thorny points, that I thought should be discussed between us, and we did discuss both of them. The first one being the question of the institution of an interim administration or administrative rearrangement contemplated for South West Africa in the near future. The second thorny issue is the issue of the United Nations presence or involvement in the possible elections in South West Africa.

Now as far as the instituting an interim administration or rearranging the administration in South West Africa is concerned, I stated at the outset yesterday that you, Sir, are firmly committed, irrevocably committed, irrevocably committed, to instituting whatever form of administration is contemplated in that territory. That you could not go back on that, and I made the point eventually this morning that in my opinion we can still achieve and we can still talk and discuss all the other points raised by the five countries if we institute that administration. And I think we can perhaps better achieve their aims we institute them. Whereas if it is insisted upon that you should not go ahead with that, then you would be left with no other choice, in first place but to go ahead in any case, but if that could happen that those points will then not be capable of being achieved any longer, because of the expected result and political situation that will immediately develop inside South West Africa.

What I did then say on this point of instituting this administration was that I would speak to you, Sir, which I have now done, and that I would try and endeavour to persuade you Mr. Prime Minister not to go ahead with our intention which was already approved by the Cabinet as you know, of introducing as soon as possible after 20 May a full constitution parliament, make it a Law of Parliament in terms of which the future constitutional development would then have been determined inside the territory. And now I have discussed that with you Mr. Prime Minister and I don't yet know as I am speaking right here what your decision on this matter is.

Secondly, I pointed out to the representatives of the five that we could possibly think, I don't know to what extent, we could possibly think of trying to persuade the Turnhalle people themselves maybe to effect some changes, I don't know how many, even in the constitution because, as you know Sir, it was our intention to make the constitution wider in scope than the one they presented to us. Now this is what I call the first thorny

issue Mr. Prime Minister and with our permission maybe you would like to say something on it now.

VORSTER

Well gentlemen, I think it is best to just have a look at the administration of South West Africa as it is. You will all know that there is no overhead administration. There are those peoples, those territories who have elected governments, for instance the Ovambos have an elected government, this Parliament across the street passes no laws for them, they pass their own laws. The Okavango people have their own elected parliament, the Whites have their elected council and so we can go on. There are, however, certain peoples or regions who have no elected authorities whatsoever. The Damaras for instance have no elected authority, and the Tswanas have no elected authority, and the Hereros have no elected authority. The point is that some of these peoples have a system of government. Others have no system of government, but they are governed from South Africa. South Africa's whole aim and object was to withdraw altogether to make it possible for those people to govern themselves. That I take it is also, apart from where we agree or where we disagree, I take it that is also your objective.

Before we can end out administration of the territory I think you will agree with me as reasonable people, that there must be one overall authority. The Turnhalle people, the representatives of all the people, came together to devise such an overall authority. They have drawn up this very lengthy document which I have before me consisting of 31 pages, which they suggested should make such an overall governing authority possible. I gathered from Mr. Botha, and if I'm wrong then you must say so, that as far as you gentlemen are concerned you, you have very serious reservations to put it mildly, whether our Parliament as I undertook and as I promised to the peoples of South West Africa to make this, pass a law in South Africa, the South African Parliament embodying this document as the interim constitution for South West Africa. Am I correct in assuming that you have very serious reservations about such a matter?

I take it gentlemen that you have serious reservations. If that is so, then naturally you put me in a very, very difficult position to say the least of it. Not only, as far as my own country is concerned, but also, and that concerns me most, also the peoples of South West Africa whose country it is and whose future is at stake. If you say to me that you have serious reservations then I must of necessity see whether I can meet you and then I say to you that I can meet you only in one respect, and I must please ask you not to press me beyond that point. I don't want to be difficult, but you will appreciate there are limits beyond which I cannot go.

In view of the fact that only some of the territories of peoples have in fact their government and others not, and in view - and that is the bigger argument as I see it - in view of the fact that you insist that the territory should become independent as a whole, that it should not be fragmented, broken up in smaller pieces. If I must meet my commitment on the one hand to the people of South West Africa, and meet on the other hand not only your reservations but also your demand that the territory should be treated as a whole and should be made independent as one, then I personally can see no other way than that we agree that a law be passed by this Parliament in so far as it is necessary, to empower the State President if he hasn't got that power already, to call into being a central administrative authority for the whole territory. Such central administrative authority to function until such time as elections on which we agree can be held. I think that is not only practical but that I think is also fair. And that is as far as I can take it at this stage. I will be pleased to receive your comment in this regard.

McHENRY

..... Mr. Prime Minister, if I can make a preliminary comment I think you quite correctly summarised the difficulties which we felt that we would see with the implementation of the constitution which was drawn up by

Turnhalle. We look upon it as a practical political difficulty that our task and I take it your task of trying to come up with a peaceful resolution to this question might be complicated further with the implementation of that constitution as it is currently drawn up.

We suggested this morning I think that the problem is already complicated enough and it would not be useful to add any further difficulties to it. I don't know of the nature of the administration which would come into being under the proposal which you have just put to us, but it does not seem to me that it necessarily would present unsurmountable difficulties. It would serve the purpose which you suggest which is to try to have the government under a single body and to the extent that it did not contain the details of the Turnhalle proposal which we believe many parties concerned in this issue might object to strenuously to the extent that it did not contain those substitute details. It seems to me at first glance that it might be a way of meeting the commitment which you have made, while avoiding making the task of trying to resolve this question more difficult.

VORSTER

It will of necessity have contained certain elementary proposals in this document, but not this document itself. You will understand it. It will have to do with a day to day administration of a country.

McHENRY

That I understand. I don't know if my colleagues

VORSTER

Any further observations, gentlemen?

SCOTT

Mr. Prime Minister perhaps I could just ask a question which my colleague has put to me - one of our difficulties, and I think it was really foreshadowed by Ambassador McHENRY, is that of course we don't really know

exactly what proposals you are suggesting. I think that if there was any possibility of enlarging on this and seeing what the kind of structure you have in mind would be, this would be most helpful. But I recognise this is not a matter that can be embarked on lightly or at short note, it would take some time obviously.

VORSTER

I can to a certain extent elaborate Mr. Ambassador. As I see it and it is open for argument, you can tell me where you disagree with me, it will mean that the State President will have to appoint certain people and those people will have to be empowered to pass certain rules or regulations, call it what you will, ordinances, by which the government is conducted until such time as a duly elected government is seated. But I think the main thing is whether you are prepared to concede the principle as I put it to you here now. If it is fair and acceptable to you, then we can proceed from there. But you know my Parliament as well as I do and you know South African politics perhaps better than anybody else. You will know exactly how difficult it is for me, going to be for me to sell this. I am prepared to stick my neck out and you know I have stuck my neck out before. But for heavens sake don't you chop it off, let my own people do it.

MURRAY

Mr. Prime Minister since I am a visitor, can I explain with some frankness the problems that we shall have abroad. I think your central administering authority represents a determined and very honest effort to meet our difficulties, but the problem with which we will be faced, or put it in another way, the charge that we risk being made against us when we leave this country is that we have accepted the Turnhalle people under another name. We recognise that you have made a very determined effort to meet our problem, but there will be people who will say that this central administering authority is simply another name for the Turnhalle delegation and that we have in fact by accepting your proposal in principle, accepted in principle that adminis=

trative authority albeit temporarily has been delegated to the Turnhalle people.

VORSTER

No Sir, it cannot be said that. What is the position. Let us again look at the practicalities. The position is that in some territories South West Africans govern themselves. Other territories are governed either by the Department of Coloured Affairs or by the Department of Bantu Affairs from South Africa. You hold that against me. You've hammered me time and again because that is so. Now I want to meet you, and the only way I can meet you is to withdraw as far as Pretoria is concerned and to substitute for Pretoria people of South West Africa origin and South West Africans, and I fail to see how there can be an objection to that. Whether some of them or all of them happen to have taken part in Turnhalle is irrelevant for the argument.

MURRAY

But not Mr. Prime Minister irrelevant for us to have as it were justified what you have done, and I recognise it is a constructive step, but we have got to be able to justify it to other people as a constructive step which is going to make the task of bringing about a peaceful settlement in Namibia easier. It's a question of justifying it to other parties who are involved in a search for a peaceful solution.

VORSTER

And the way we justify it is that this is the only way. If you can tell me a better way then I'm open for argument. But that is the only way to lead up to a general election which is what you want. Frankly gentlemen, I see no other way. If you shoot me down on this then you must present me with an alternative.

SCOTT

Mr. Prime Minister, I don't think there is any question of shooting you down if I may say this. This is rather an exploratory set of questions and one of the problems of course which we are faced with is the fact that, and

I speak more for those who come from New York, is that we are not conducting a negotiation at first hand as it were. What we are trying to do is to find a basis which is then sellable, and I think you have made a very good point which is very relevant to us, is that a question whether some or all of these people are the same as the people in the Turnhalle negotiations, if they all were then it would look as if it was merely the Turnhalle delegation by another name. If some of them were and some of them weren't, this would be rather a different sort of

VORSTER

But just place yourself Mr. Ambassador in my position. You know the situation in South West Africa. The moment I leave out the acknowledged leader of a territory or a people you can imagine yourself what a hell of a row will erupt. That will make not only my position impossible, but it will make your position impossible.

CANADIAN REPRESENTATIVE

Mr. Prime Minister, as has been said by our British colleagues, this is - the outer world a practical political problem. It isn't only I think a question of what individuals are appointed to do what, it is also the - I mean our problem is also the extent to which this new administrative authority would resemble in its general shape, in it's various organs, tiers or whatever, the more permanent proposals which would have been implemented in the constitution. It is a question perhaps of optics if you like, but one of our problems will be to meet the accusation possibly that this administrative authority is setting a kind of a precedent, it's setting events on a certain kind of course in the arrangement of the component parts which is kind of prejudicing the future. And that is why it would be if it is possible for you to give us a little more idea, perhaps general shape of this new attitude and the extent to which it would or would not resemble what is now to be left in

suspense that the constitution is not a constitution.
That would be helpful

VORSTER

I say to the Canadian representative this, that if I had my way then the various territories would govern themselves. But you've already shot me down over the years on that issue. So I can't very well argue it with you again, I don't want to ride a dead horse. You shot me down on this and you've forced me to create a central authority, and now I give you as I see it, this central authority. And I think it is only fair if you feel that the central authority which I'm giving you is objectionable then you must give me an alternative to consider, and I don't know of any alternative unless you come forward with one.

CANADIAN REPRESENTATIVE

But Mr. Prime Minister maybe the central authority is not objectionable, all we really at this stage is trying to explore to you what the central authority sort of looks like.

VORSTER

It will be a committee - I'm not married to words to what you call it, let's call it an administration. It will be a central administration, and they will have to be empowered to make regulations for the day to day central administration of the territory. For instance, let me just give you an example. The Damaras who at the moment haven't got a local authority, has asked us to institute for them a local authority similar to that of the Ovambos and the Okavangos. If I do that now, you will shout to high heaven. But they feel that they want one, and their administration badly needs one. And that is the sort of thing that the central administration can then attend to. Apart from the fact of creating and passing the necessary regulations for the free movement of people in the territory which you also insist on, and other matters which you have been insisted upon in the past.

McHENRY

Mr. Prime Minister, I can repeat what the Canadian representative said, it is not necessarily something which is inconsistent with what we think might be politically acceptable. We just don't have enough in the way of details, how - and I don't know that it is for our part - I don't know that we can go much further in commenting on it.

VORSTER

Well, let me give you a further example. The question of - a very important question as far as South West Africa is concerned, is the question of bringing water to certain areas. That is at the moment being done and attended to by the Department of Water Affairs in South Africa.

If you have the central authority, then it stands to reason that the power that the South African Government had in this regard, will evolve upon the central authority. And it is the question of over-all taxation. It will have to be attended to by this central authority and the day to day run of administration of the territory as a whole, because it's never been administered as a territory in one. We are breaking entirely new ground then with this Government and you will find that it is therefore very difficult for me to spell it out in every way.

GERMAN REPRESENTATIVE

Mr. Prime Minister, may I ask a question? If under such matter the Bantustan administration is reverted back to interim, would this central administration be in a position to abolish the present legislation concerning education for Non-whites for the whole territory, so that all schools could open to all races?

VORSTER

If they so wish, it is one of the functions that they can exercise.

GERMAN REPRESENTATIVE

Thank you.

MURRAY

Mr. Prime Minister, I wonder if as an outsider and as an ignorant of the many details, I could risk taking up your suggestion of a possible variant on your essential administrative authority. Would it be possible for you as an interim measure simply to appoint an administrator with the necessary powers? That administrator to be helped by an advisory council which could contain many of the local leaders, but nevertheless the powers would rest with the administrator - the central powers. There could also under the overall supervision of the administrator be regional authorities. That appears to me that it might be slightly - make it easier for us to present the idea of essential administrative authority if that was still vested in an individual - even with this, I think would then scrutinise less carefully the precise composition of for example an advisory council.

FRENCH REPRESENTATIVE

Is it possible Mr Prime Minister to know what would be exactly the competence of this super administrative authority? Of course the work of his administration is already restricted. I would say. Does it mean thereby saying an interim system or is it only some system like Water Affairs, taxation and Communication?

VORSTER

No, not being an independent country at that stage it will have certain limitations. Until such time and you want it as soon as possible, and I will want it as soon as possible, an administration is elected which can take over completely. The whole exercise is to get over this interim period, otherwise we are going to create a vacuum and it is going to hang in the air.

VORSTER

I don't want to be facetious but I do want to say to you, knowing the territory, that if the angel Gabriel was available (LAUGHTER), I would very much like to appoint him as such an administrator, but I don't think he would be available and with all due respect to you Mr Murray, where am I going to find such a man? And then I will be accused immediately, if not outside of South West Africa, but inside South West Africa. I will be accused of having appointed a dictator, and I don't want to be accused of that at all. Let them elect - those people appointed, let them elect an administrator - call it what you will - as head of that interim government. But Heaven help me if I appoint it. I am going to have so many bricks thrown at me that I won't be able to duck them, and I think with the little that you have heard of the territory and its people, you will appreciate that that is exactly what will happen.

FRENCH REPRESENTATIVE

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VORSTER

McHENRY

Mr Prime Minister, referring back to the Canadian representative's question about the structure of the Government, correct me if I am wrong, but I take it you're suggesting that this would be an administrative apparatus which would not have some of the components found at the Turnhalle Constitution such as a three-tier form of government, with a certain kind of legislature and national assembly, and so forth. That this would be an administrative body and would not have these components of a legislature, and so forth, is that correct?

VORSTER

Certain legislatures are there, and you cannot scrap that - then you will have complete chaos.

McHENRY

No I am talking about a new kind of legislature - a central legislature.

VORSTER

It has, the elected legislature of the Ovambo has certain functions. I can't take the functions away from those people, you will appreciate that. But there are certain overall functions that have to be done and this overall body will look after those functions.

MURRAY

Including legislative functions?

VORSTER

Yes, it will have of necessity have to have that function, otherwise it can't govern, and otherwise it can't enforce its enactments.

McHENRY

But a legislative function without necessarily a legislative structure, a legislature as such - a three-tier form of government as such.

VORSTER

No, we haven't reached that stage, we will reach that stage at the election, but it must be understood that if this, and I don't want to mislead you in any way and later hear that I didn't tell you everything.

It stands to reason where you have a Government in Ovambo at the moment - you have a Government in the Okavango, that those Governments will remain. They are not abolished by this act and I can't abolish it.

McHENRY

I don't think we are pressing the abolition of those Governments.

VORSTER

No, as long as we understand each other and as I have said to you the Damaras are pressing, they want such a legislation such an authority too, and if that overall body then wants to give them such an authority, then they give it to them.

McHENRY

I don't think we're pressing the abolition of those. I think the real question which arises is to what extent, does this new central administrative body contain the in form and substance, and in representation, the Turnhalle proposals, in such a way that it can be said that it is Turnhalle by another name.

VORSTER

It does not contain it at all. As I have said, certain features of it of necessity, which you will find in any constitution of in any governing body because small, will of necessity be there, but it cannot be said it's Turnhalle which was passed as a law by this Government. That it cannot be said even by the severest critic. For instance this constitution makes provision for a president. To name

but one, there will be no president. All these matters will be decided when there is a proper constituted elected parliament for the whole area.

BOWDLER

Mr Prime Minister, would South Africa's State President have a veto on the legislation passed by the central - the new central -

VORSTER

I think in this interim period and I think you will agree with me to avoid what you gentlemen are afraid of, the South African President will have to retain authority in this regard, so as to see that it doesn't run wild. I am prepared to stick out my neck there and to say that such ordinances as they pass must be assented to by the South African State President, to avoid that thing which you are afraid of.

GERMAN REPRESENTATIVE

Mr Prime Minister, I am grateful if you could give me clarification concerning two points. Number one, will this administrative authority also be competent for the administrative preparation of free elections? And number two, what is your idea on the timetable concerning the nomination of this administrative authority?

VORSTER

First of all, as far as the institution of this administrative authority is concerned, the sooner it is instituted, the better, and if you give me the green light today then I can institute it perhaps within a couple of weeks.

Secondly, as far as your first question is concerned, somebody and I understood from Mr Botha that you discussed it this morning, somebody will have to do the necessary ground and spade work for the elections and I take it that this overall body will have to do that spade-work for the general elections to be held.

McHENRY
FRENCH REPRESENTATIVE

Mr Prime Minister, as for the local government, I shall say like Ovambo's, would they have a competence for organising elections, or not?

VORSTER

Naturally as an elected they will take part in the elections, the Ministers and the various members of their parliament will take part in the elections, yes.

CANADIAN REPRESENTATIVE
FRENCH REPRESENTATIVE

And ask for the organisation itself? I mean on suggestions of the pollings -

VORSTER

I am sorry I don't get you -

VORSTER
FRENCH REPRESENTATIVE

When you organise elections you have to decide some things: Whether you are to have some places where the people are permitted to vote, in which conditions are the going to vote. Who will be enlisted on the voters list - who will decide about it?

VORSTER

All adults will be eligible to be put on the voters list and somebody will have to prepare the voters list to put everybody on.

McHENRY
SCOTT

But that would be done centrally Prime Minister, not in - as I understood what you said -

VORSTER

That will be done centrally, yes.

McHENRY

The elections which you are speaking of, Mr Prime Minister, which - for which this administrative body would be doing the spadework, as you said, these would be elections for something one could describe as a constituent assembly?

VORSTER

That will be the constituent assembly which will draft the final constitution.

CANADIAN REPRESENTATIVE

Mr Prime Minister as another point of clarification, the central body which you are thinking of setting up, would that be held on the same on the similar basis to that which was envisaged by the Turnhalle conference as a national assembly?

VORSTER

No, it won't because you will recall that the Turnhalle envisaged this - they envisaged a central authority of twelve Ovambos, six whites, five Damaras, five Hereros, five Kavangos, five Coloureds, five Namas, five Capriviens, four Bushmen, four Basters and four Tswanas, and I cannot see this assembly which I have in mind coming near to this whatsoever. This is a very big assembly and I take it you will want as small an assembly as possible? Because if we have a big one at this stage, then it just won't work. Being an interim government you must have it as small as possible.

McHENRY

Would it then look somewhat like - what would have been the Ministers Council?

VORSTER

I think - I won't say at this stage that it will be exactly that, but it will more or less - I grant you that point, it will more or less resemble that.

McHENRY

Mr Prime Minister, I think I can speak for my colleagues in saying this that you have given us a good deal of information here and it will be useful to us in our discussions and in reporting back to our Governments. We are not ourselves authorised in any way to either accept or reject the proposal which you put forward. My guess is that my own Government would respond and I think some of us have already responded, that the idea of yours of a unitary central authority is not necessarily - would not necessarily complicate our task. On the other hand, we do not have and cannot put forward any foreign observations without seeing in detail what you propose. I should emphasize again, I do not believe it necessarily complicates your task, but I find it difficult to give any considered view. First the shortness of our information, that is just having received it, and secondly, if not having been flushed out at this stage, and I can say, for ourselves we would appreciate if you can, your providing us with the details of this proposal so that we can discuss it among ourselves and so that we can get the judgement of our Governments as to the extent to which they believe this may or may not complicate our mutual search for a peaceful solution to this question.

VORSTER

You will appreciate that I am not in a position to give you details at this stage, because this thing has now cropped up in view of your attitude.

McHENRY

We understand it.

VORSTER

And therefore I will have to go and work it out, but you will also appreciate it that I have told you clearly that if this is not acceptable, then I don't know how to set about it to meet you at all.

McHENRY

It may be that our - after studying both this preliminary information, and after studying further details which you might provide, we may be able to - we may dare to take you up on your offer to come up with some proposal, if we can't - we find that this one presents to great a difficulty.

VORSTER

Well, I am always prepared to sit around a table for you to discuss any alternative for that matter, but having used the word dare, I dare you under the circumstances, knowing South West Africa, to come up with something better.

McHENRY

I can't (LAUGHTER) right now, I certainly can't.

VORSTER

Does that dispose of this issue then for the moment, gentlemen?

SCOTT

Oh yes, Mr Prime Minister, I would say so myself though I would actually make one additional remark if I may, which is that I think do all appreciate it that you have made a very serious and determined effort to look at our problems and see how you can meet them, and I think this is a very constructive position that we are in at the moment. We at least are still in business, if I may put it that way rather.

VORSTER

But again Mr Ambassador, I must point out and I am perfectly candid with you, that there are limits beyond which I cannot go and that for heavens sake if you want to solve this position, don't push me too far. That's all that I plead with you today around this table.

CANADIAN REPRESENTATIVE

Mr Prime Minister, I'd like to join in expressing appreciation of the efforts that you have been making to - about your procedures to some of the preoccupations we have in mind and to say that we will, like the others, be looking - try to look with a very constructive eye on what you are suggesting. We have the details. It may not, as Mr McHenry said, it may not necessarily complicate our task and we will hope that it won't, or that we might be able to make some minor suggestions that would alleviate any difficulties that might remain. That's what we are here for, but I think we should be very grateful for the steps that you are considering.

VORSTER

Any further comments, gentlemen?

FRENCH REPRESENTATIVE

We appreciate the way you set our problems, Mr Prime Minister, and I am going to report to our Prime Minister the way you did it.

VORSTER

Honourable Delegates from West Germany, have they got any comments on this?

EICK

Mr Prime Minister, I think we associate ourselves with what have been said by our colleagues and we should also like to express our appreciation of the effort which you personally have made to understand our problems and our difficulties, but as the others have said it is difficult for us to give a definite answer without knowing a bit more of the details.

VORSTER

I can only express the pious hope gentlemen, if I am fired because I have done this, that you will accommodate me if I need accommodation afterwards.

(LAUGHTER)

Then we can move on to the - if you are agreed gentlemen, we move on to the next point.

BOTHA

Mr Prime Minister, the next point in my opinion is the very thorny issue of observation of the supervision. I don't want to - what we have got to do, use some words, I don't want to feel us tied down in a phrase because I think, Prime Minister, that substantial - there has been substantial movement forward positively as regards this whole concept and as I indicated to you, Sir, in my opinion it does constitute a major improvement that the Five have not thus far insisted on supervision of our administration which has been the case for 31 years and what they are in effect asking as I indicated to you, is some form of United Nations presence, mainly to ensure and to make it seem to the rest of the world also, justice must be seen to be done, that the electoral process would be fair and objective and reasonable.

That is just stating it very broad terms, Sir, and as I said that in my opinion it does constitute forward steps that the Council for Namibia is not referred to at all and after our discussions this morning, as we understood the gentlemen here, what they are really after is for the United Nations through the Secretary General to have impartial personnel there to see that the process itself continues along lines of fairness and justice. That there is no undue influence from whatever Government or administration is in power at the time. That nothing improper happens at the polling booths or at the time that the campaign is conducted leading towards this election.

I think in the main, Sir, this constitutes a point we discussed this morning and a very important aspect is the one you've already mentioned a little while ago: What is it all about? What is it about? What is it that they will have to choose the day they go to the polls, and as I understood the five Governments, Sir, they would wish the inhabitants of the territory to elect a constituent assembly who will then sit down and decide whether they want to accept ...

VORSTER

- to draft a constitution, whatever that constitution might be

BOTHA

Whatever that constitution might be, yes. Well, this is where we are now. There are many finer points of details, Mr Prime Minister, which will need to be discussed. We all realise that. I thought I'll just open the discussion by saying that I think we have moved a long way to meet one another.

VORSTER

Well, all I can say gentlemen, is that Mr Botha and I briefly discussed this matter. From what he tells me that you feel strongly about some United Nations involvement, and you know my attitude perfectly well that I don't want to be seen with them, but that is neither here nor there. What I like and what I dislike is beside the point. I must sit here and listen to you and if you will please tell me how you see this United Nations involvement, and here I can throw the same questions that you threw at me. So if you will just please spell it out, then I will be able to reply to you on that score. So if one of you gentlemen will enlighten me as to how you see this United Nations involvement, then I can reply to it.

I don't think I will be along in that Mr Murray.

(GENERAL LAUGHTER)

MURRAY

It was for that reason that we gave the task to the United Nations Secretary General. Now, the United Nations Secretary General holds a brief and his whole mandate is to be in

MURRAY

Mr Prime Minister, we are at a very preliminary stage in this problem of United Nations involvement and perhaps I should be very frank at the outset since you have paid us the compliment of being very frank, and say that as far as we are concerned when we go back to New York we shall have to describe what we are interested in as United Nations supervision and control of elections. Now, I see it as our preliminary task to try and demonstrate to you that what we describe in United Nations parlance as United Nations supervision and control, is a form of United Nations involvement that is objective and fair and will be seen not merely in the United Nations, not merely in the rest of Africa, but also in South Africa, as to have been a fair, impartial judgement -

VORSTER

I appreciate the latter.

MURRAY

We knew and because many of us know Minister Botha and we knew that this would be a problem here from the outset. We did indeed, Sir, also know your own views on the United Nations, so when we drew up our initial proposals, we tried from the outset to meet what we knew would be some misgivings you would have and it was for that reason that we eliminated certain forms of United Nations involvement. It was for that reason that you will find no mention of the Council of Namibia. It was for that reason that we got away from the idea of representatives of states, because we knew that you would find it difficult to believe that the representatives of some states could possibly be objective.

VORSTER

I don't think I will be alone in that Mr Murray.

(GENERAL LAUGHTER)

MURRAY

It was for that reason that we gave the task to the United Nations Secretary General, Now, the United Nations Secretary General holds a brief and his whole mandate is to be im-

MURRAY

He has a very difficult job in New York because with practically every decision he has to take he runs the risk of offending so many people that impartiality as it were, has become almost professional on his part. And so he is for that reason as it were the most objective part of the organisation. And we trust on him, and, I must say in fairness, we have not yet any reason necessary reason to believe that he will relish this task. But at any rate, in our initial proposals we've put it to him and furthermore, we've gone further and we have said that he is to be supported not by representatives of member states but by the international civil service of the United Nations Secretariat who theretically at least have no nationality.

Furthermore in our general principles we have said that disputes concerning the electoral process and the observation of the electoral process would be settled by an independent body of jurists. Now we ... my French colleagues have done a good deal of work on this idea and when they put it to us, it was the idea that there should be on that independent body of jurists some South African jurists as well as some jurists from elsewhere. And it would be that independent body that would pronounce on the juridical aspects of disputes arising from the observation of the electoral process. Now if it would be helpful, Mr Prime Minister, I would ... I explain this morning that I am probably the only person present here who has actually chaired the United Nation body that was involved, not in an election but in a plebiscite.

VORSTER

There is a big difference between the two.

MURRAY

There is not a big difference. I explained the kind of task that we had undertaken and the kind of task that would have to be undertaken by a United Nation body of supervision and control. I pointed out that the first thing that would be required for running elections would be electoral legislation or regulation.

And these would cover the question of who could vote, the question of in what constituencies they would vote. It would cover what they were going to vote about or if they were going to vote about candidates. That would be the first and basic element of the electoral regulations. The second element of the electoral legislation would have to cover the electoral campaign. And it is there that you would find set out regulations about the conduct of political parties, about the nature of campaigning about the question of access to radio, the question of rules for the Press and I have in mind the question of campaign expenditures what campaign expenditures are appropriate I'm only showing the kind of rules that have got to be drawn up for a fair electoral campaign. They would include also matters of freedom of movement. The third section would cover the actual polling day arrangements ... where the booths were to be, in particular, and I imagine this will be an important thing, the arrangements for voting, for secret voting by people who cannot read and write. That is difficult. But all these

VORSTER

That sort of thing I take it Mr Murray having been involved in elections all my life I take it that the most generally accepted thing is if a man can't read or write he can appoint somebody to vote on his behalf. He does so in the presence of the electoral officer. That's the system and that I take it will be the system.

MURRAY

I'm not an expert on that Prime Minister, but I am sure that a system can be devised. I was merely saying that

VORSTER

If a blind person come up to the polling booth somebody is empowered to make the cross on their behalf as they instruct. That is the ... these are ordinary things dealt within electoral regulations.

MURRAY

Well, the first task of the United Nation body would be to ensure itself that all these regulations were such as would ensure a free, objective, properly run election. It might be appropriate to involve the United Nation in... some of the United Nation experts in the drafting. On the other hand it might be found that the legislation drawn up proved entirely acceptable to the United Nation body. There are all sorts of ways that particular aspect could be tackled. But that certainly would be the first task of the United Nation body. The second task of the United Nation body would be to ensure that the political campaign was fairly conducted. And that implies two aspects. It implies firstly and it was my main task in the Marianas ... and that's why I don't hesitate to use the point to you sir ... The first task is to ensure that there is no improper interference by the powers that be in the campaign. And secondly to ensure that the political parties and canvassing is done properly. That there is no coercion, that the campaign is conducted in a fair and proper way. And the third task of the United Nation body is simply on polling day to ensure that every man wants to get to the polls, or to check, rather than ensure, but to check that every man who wants to get to the polls can get to the polls, man and woman, and that when he is in the polls he is able to vote secretly without fear that either at the time or afterwards the nature of his vote will be known. Now these are the duties. At every stage, it is possible that there will be disputes. There are certainly going to be disputes, about who is eligible vote ... that has been in every election I have known, disputes on eligibility. There may equally be disputes on the conduct the campaign Now it is these disputes that can be referred to this juridical body to find out what is the correct, proper, juridical interpretation of the electoral law. And anyone will be able to have recourse to that independent body of jurists ... be it the administration, the electoral commissioner, if that

Voices

It is a possibility

is the name we give the head of the United Nation body, be it a political party or an individual. Now could I assert Mr Prime Minister, these are entirely personal views I'm putting forward and Mr McHenry only glanced across at me because he knows that I had have this personal experience, personal experience which he as an academic had occasion to examine in his previous life.

VORSTER

Well my first observation, Mr Murray, is that in general what you have stated here, I have worked with all my life. As a practical politician I know all about it this is how elections in my country are conducted, except that if you have a grievance you have recourse to the court. As in your own country too.

MURRAY.

In this body, we feel that the local courts would not be the important thing is not merely that the elections should be conducted impartially but that they should be seen to be conducted impartially. And I fear that the outside world would not accept that the local courts would necessarily be impartial in this situation. Its for that reason that we have specifically suggested the formation of a independent body of jurists on which the local judiciary might well, as I say, be to an extent represented because since many of the since some of the disputes might stem from South African or South West African law and practice we would certainly want on that independent body of jurists some jurists with experience of local custom, legislation and practice.

FOURIE

I think this morning you said fifty, fifty.

MURRAY

That would be the fair thing

VOICE

It is a possibility

VORSTER

I take it, Mr Murray, from what you have said ... and if I am wrong please correct me ... that this overall administration ... if we agree on that ... will instruct their experts to draw up these various regulations which will have to be gazetted to make them ... give them the power of law. And that before they are gazetted they are put to this body to Ok it ... is that what you have in mind?

MURRAY

That is ... that would appear to me be the sensible answer because it is much easier to take account of the criticism or an observation before the legislation has been gazetted than afterwards.

VORSTER

Precisely. Let the Secretary General appoint their man to negotiate all the details of this with

MURRAY

That is why I suggest ...

VORSTER

This interim government, interim administration; call it what you will ... they now come near to the election, they draft the various regulations and they cover all the points that you have mentioned. This draft goes to this body. They approve of it and it is then gazetted.

MURRAY

That ... that was the broadly the position I put to you, sir.

VORSTER

Yes, well in broad terms I can go along with it. I can't see .. as far as the Secretary General is concerned we have stated time and again ... and you know we are on record as saying that we are prepared to discuss with the Secretary General all aspects of the South West African issue. You will recall that we invited him to send a personal representative ... that he came. You will also recall that we came to a certain understanding with him. But you will also recall that this was pigeonholed and to this day we were not even informed of what happened, officially.

McHENRY

And we have also noted Mr Prime Minister that in your reply to the "demarche" of the nine European Countries you specifically referred to the Secretary General. That was one of the reasons why we felt that we could refer to him, you know, our plan, with some expectation that you could look with some favour on his role.

VORSTER

No, this is a matter that we can negotiate.

McHENRY

I think perhaps

VORSTER

I would make this observation. Let the Secretary General appoint their man to negotiate all the details of this with us and we are prepared to sit round a table with him and negotiate it.

MURRAY

Well, Mr Prime Minister, you have, as it were, almost taken the point I was going to make. We here, have no authority to negotiate and we are not in ourselves experts on election procedure. All we have been trying to ... while we are here .. was to get your agreement in principle as one of the elements of our approach ... that United Nations involvement was acceptable to you provided we could persuade you that it would be fair, impartial. The actual negotiations will have to be done elsewhere and, by the people directly involved. We on our part here are not to that extent directly involved. I personally can only emphasize that I have only been throwing out for your benefit sir, certain illustrative ideas. They would have to be pursued by experts who could match your own. Long and skilled knowledge of elections.

VORSTER

No, all that I am prepared to say is that I am prepared to talk about this and that I will be surprised if we cannot find each other on this point.

MURRAY this questions, supposing, that to this extent, we
Thank you, Mr Prime Minister. Secretary General, will you

VORSTER members? Because I don't want to make a fool of
So that is then the total extent that you spelled out to us
here this afternoon ... is the total extent of the United
Nation involvement?

MURRAY Mr Prime Minister, ... what we want to say is that
It is the position, I mean, we cannot commit the United Nation
about the nature of it ... the involvement. That will have to
be a matter, for example take the very beginning. We have
come here without having consulted the Secretary General of
the United Nations. We have simply informed him of what we
are doing. This first round we regard it as a matter between
the five powers and your own Government, sir. So we thought
it inappropriate to discuss these matters with the Secretary
General in advance with having discussed them with you. But
clearly, and that means we haven't even got the acceptance
of the Secretary General in principle, but, we see this as the
first stage of the continuing process. And at the second stage
it will be ... for these matters to be taken up with the
Secretary General and with the parties directly concerned.
It is not that ... I don't think that my colleague would wish
in any way to be difficult, sir. It's simply, at this point
we can only be illustrative about ... what we think of the
nature of United Nations involvement. We can't, as it were,
give absolute commitment. We are not in that sense, in any
sense plenipotentiaries. We are only illustrating and, in
fact at the moment, what we are asking of you that you
consider sympathetically the principle of United Nations
involvement so that when it is been carried ... the discussions
had been carried further at a later stage you can say well
this isn't fair and acceptable.

VORSTER ed, such as I am afraid will be introduced, then it
No, all I am prepared to say to you that United Nations invol-
vement to this extent that you have spelled it out as a matter
which I can favourably consider. But then you will pardon me

if I put this questions, supposing, that to this extent, we come to an agreement with the Secretary General, will you back him up if he is shot down in the Security Council? ... as five members? Because I don't want to make a fool of myself to come to an agreement which is shot down by other parties concerned without you backing us.

McHENRY

I think, Mr Prime Minister, ... what we want to say is that we can take these ideas and try to do with the other parties, the Security Council, the Secretary General, the same thing that we are trying here, that is to get to some kind of general agreement on the idea of United Nations involvement. Having done that, then to try again with each of the parties, to get agreement on the specific details. And it is, we can't make a commitment here commit the Secretary General. He hasn't seen any of this. He simply knows that the five Governments are going to Cape Town and we going to discuss resolution 385 and he knows no more. The Security Council members know the five Governments are going to Cape Town and that they are going to discuss elements of 385 and they know no more. So that what we need to do, if we can get in general the idea that something along these lines, subject to working out the details, could be acceptable to you then we can do the same thing with the other parties. That having been done, we can turn ourselves, our attention with the assistance of experts, to the details of carrying out this general idea.

VORSTER

Now, all I can add to that again, Mr McHenry, is that if the Secretary General wants to negotiate with us along the lines pointed out by Mr Murray I am prepared to sit let my people sit around the table with him to work it out and I can foresee that we can find each other. But if other matters are introduced, such as I am afraid will be introduced, then it will be a different matter and then I don't want you to blame me and to say that I am intransigent and all that sort of thing.

GRANDE

I think all that we can say, subject to views of my colleagues is that we understand your position, Mr Prime Minister. I don't think at this point it will be ... we could reasonably expect you to go further on in the nature of a commitment. I mean, it is roughly a matter ... its a matter of gratification that you do see, that you are prepared to see that in certain forms in certain respects, it should be possible to devise a fair United Nations machinery for involvement. And we must now, as Mr McHenry does, try and build on that and get a similar view from other parties and then have you presented with further details on which you can take a position.

VORSTER

No, that is fine. But you will appreciate my position. I cannot have it said that it is United Nations who control this election and who run the election and do all this, that and the other thing because then I will be in hot water out off which I won't be able to get. But as long as it is on the lines that you have indicated, then I can live with it.

MURRAY

I think Mr Prime Minister, I repeat the point I made at the beginning, I think it will have to be called United Nations supervision and control because we are working on the basis of resolution 385 which is the as it were the only sheet anchor we have. But we would hope, as I say, to devise a system of United Nations supervision, of control of elections

VORSTER

Let me say outright to you, if you use the word control you make my position impossible. If you use the word control, you are going to make my position absolutely impossible.

McHENRY

At this stage lets use the word involvement and let us see

VORSTER

Yes I can live with that word but I can't live with the word cont

McHENRY

Let us see in working out the details what it means. I think its the details, its the machinery thats more important.

VORSTER

No, I agree with you but then we mustn't use words which will be thrown at me and can be used and control is the one word which will be thrown at my head twenty times a day and I can't take that.

U.S.A. REPRESENTATIVE

Mr, Prime Minister, one can appreciate why you ... why certain people might throw that word control at you but it is I think that might be because to some extent the word in English at any rate is ambiguous and because when you give it, its very strong sense, sort of dominating, dictate command kind of meaning which it can have. Of course that is not the kind of thing that is envisaged. But this jargon. I think we got to look on this phrase United Nations supervision and control as jargon

VORSTER

Yes, but its the jargon with all respect that's going to make it difficult. Why don't we rest with Mr McHenry's suggestion to forget about the word.

McHENRY

My suggestion is lets not get fall out on the word but work on the machinery ...

BOTHA

I agree with that.

VORSTER

And stay clearer the word.

BOTHA

Why must we we might reach complete agreement on this very

VORSTER
 thorny, important issue which divided us for 31 years almost, if I may say so. Now why should we now, now at this stage, you know make it impossible because of one or two words.

VORSTER

No, but Mr McHenry is perfectly right. Lets forget about the word. We could find a French word, it would ever be so much better. But the word

VOICE

But the French word for control is control!

VORSTER

FOURIE
 You said this morning the word control in French means something different.

VOICE

Checking

VORSTER

No, but I want to get away from that word, P.M., right at the beginning. I don't want it to be said later that I didn't raise it, because I can't live with that word, I'm telling you gentlemen now.

BOWDLER

I have it on my notes, Mr. Prime Minister, control and so forth.

VORSTER

You know my limitations.

VOICE

I'm not sure.

VORSTER

With that meaning I can live, but with the word control in it it's unsavorable and I am telling you gentlemen now, and I don't want you to tell me later that I didn't warn you about it.

Yes, Prime Minister, I am afraid to tell you that I
USA REPRESENTATIVE better now than I felt yesterday.

Well we might, Mr. Prime Minister, would like to be able to avoid the issue until we had described the United Nations team at the very end, as Mr. McHenry says, the important thing is to concentrate on the machinery.

VORSTER

Precisely, but let's leave out words that can be interpreted in different ways and which could be hurtful and damaging to the whole prospect.

BOTHA

I really don't think that we must be involved in a battle over words.

VORSTER

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VORSTER

You know my limitations.

VOICE

I'm not sure.

BOTHA

I fully realise that, but I did not have time to discuss them with the Prime Minister.

VORSTER

Does that dispose of this point gentlemen? Next point Mr. Botha.

BOTHA

Yes, Prime Minister, I am afraid to tell you that I personally feel far better now than I felt yesterday morning and I must tell you that there is not at this stage a further point which I think we can usefully discuss at this moment, this afternoon, I don't know whether there are issues which the delegates present here would like to raise themselves at this stage.

McHENRY

Mr. Prime Minister, there were two points which I think our Canadian colleague did go over this morning as points which were not addressed in your remarks yesterday and which we had addressed in our earlier discussion. The first of these was that the release of political prisoners in order that they may participate freely in the elections process. And you will recall that yesterday in discussing this question of detainees we suggested that the determination of who was and was not a political prisoner. It might be a question which would be resolved the independent body of jurists. That we had earlier mentioned in discussing the elections.

The second point which I don't believe you addressed this morning or did not address yesterday, was the cessation of the application of all legislation and regulations which could impede all and open participation of all Namibians in the electoral process. I think that those were the only two items. The third one was the role of the United Nations, but I think we had pretty well taken care of that now. But those were two of the items which had not been addressed yesterday.

BOTHA

I fully realise that, but I did not have the opportunity to discuss them with the Prime Minister, simply because

of the sheer lack of time.

McHENRY

Okay I just didn't want us to lose sight of them.

VORSTER

You will perhaps know, Mr. McHenry, that I'm on record and the South West Africans are on record, saying that all the people outside the country who want to come back to the country to participate in peaceful elections can do so. You will recall that before the Owambo elections took place this invitation was broadcast and put out to everybody. Dozens of people came out, made use of the invitation, others did not. But there again, to use the oft'-quoted British phrase, they come back, they must be seen to come back peacefully. I don't want people to come back with daggers under their jackets, and that sort of thing. You will appreciate under no circumstances can we agree to those people at all. With regard to political prisoners you will find another difficulty. I don't think it's fair that you should press me at all that I should release, not talking about detainees now, talking about people who were sentenced by proper courts for criminal acts, that I must release such persons. I had occasion as Mr. Bowdler will recall, to discuss that with Dr. Kissinger, and I have made my point very clear and Dr. Kissinger appreciated my point in this regard that you mustn't ask me that because then you are asking me for too much. But as far as ordinary detainees are concerned, if there are any such people, about that we can talk and there you have a point.

BOTHA

Mr. Prime Minister, if I may suggest unless one of the gentlemen wish to submit further proposals or discuss further matters, I wonder whether with your agreement Sir and their's - the time is not perhaps right, to take an adjournment for the day.

VORSTER

Why are you in such a hurry, there is plenty to be discussed as I see the gentlemen here. Mr. Murray?

MURRAY

I thought this was going to be a last remark but I make it nevertheless. Just as you were anxious that we should have no misunderstanding about your position of certain aspects I should like, particularly speaking personally, that there should be no misunderstanding about the status of the remarks I made to you about United Nation involvement. We cannot in any sense guarantee that these kinds of ideas will be found to be generally saleable by us. We only put them forward as the kind of things that we feel within the framework of 385 and that we will be prepared to use our honest endeavours to get generally accepted.

VORSTER

Well I as a matter of fact accept it that you can sell it. If you can't sell it nobody else will be able to do it. And then of course if, naturally if they're chopped down then we start at square one.

CANADIAN REPRESENTATIVE

Mr. Prime Minister, on that question of selling things - we do seem to be a bunch of merchants here - there is a point which I think was made by Mr. McHenry yesterday that our ability to sell things to other parties, other groups, depends not only on the individual topics that we are selling, but on the package as a whole, and we will have more trouble or less trouble in selling some let's say in national terms, borderline case if other elements are more readily saleable, if you see what I mean. This whole thing is going to have to be presented not as a tightly wrapped package but other people will be looking at all the different topics that we have been reviewing for example this afternoon as a whole.

VOICE

The point is, Mr. Prime Minister, is that would you

VORSTER

Now what is the package we want to sell to United Nation and to the international community at large. We want to sell them the package that we sit round this table to evolve the necessary machinery to make SWA independent as a whole, isn't that what we are trying to achieve? And I think that is exactly what we have tried all afternoon to do, to see whether we can find each other and by the way the discussion went this afternoon, I think we can find each other.

CANADIAN REPRESENTATIVE

That is certainly the objective, an internationally acceptable solution. But what that solution is made up of, it made up of a number of things, detainees, United Nation role and all the other things that

VORSTER

Well I have expressed my feelings very openly on all these issues. You needn't guess about it, you have it in front of you.

BOWDLER

Mr. Prime Minister, there is just one other point a certain point that Mr. McHenry mentioned it the cessation of the application of all legislation and regulations with the elections that we were talking about. We haven't - maybe you had no time to consider it, but we haven't had a comment on that yet.

VORSTER

But that is covered by Mr. Murray's point, with all respect. These regulations will be drawn up and they will be submitted to the United Nation authority, that authority will okay it and it's gazetted. South African Parliament won't pass any legislation to control this election or to conduct the election and that sort of thing, it will be done by the regulations which will be okayed by this independent body.

VOICE

The point is, Mr. Prime Minister, is that would you

envisage that the new Central Authority for instance in considering to hold elections would be prepared to repeal if necessary of certain legislative measures that may be in existence now that could have this effect on the matter.

VORSTER

Frankly I know of no legislation of the South African Parliament in connection with elections anywhere in South West Africa.

CANADIAN REPRESENTATIVE

I think we are referring Mr. Prime Minister, with due respect, more to the sort of legislation that might already be in place or related to - at least not directly related to, but which might affect the freedom of movement, a point to mention one possible example of the individual which would then by way of consequence might effect their full participation.

VORSTER

Mr. Murray fully covered that point when he said that everybody - if you are afraid that there will be hindrances in the way of people getting to the polling booths, then my reply is no, that point is covered by Mr. Murray's exposition. I can't see it arising at all, but if there are such problems and if actual cases are mentioned to us, then we can have a look at it and then we can discuss it. Unless you have some specific instances in mind now and if you wish to raise them then I can give you a reply immediately.

McHENRY

Mr. Prime Minister, what about such statements as the discriminatory legislation which already exists on the books.

VORSTER

Discrimination on what grounds.

McHENRY

On behalf of this group may I thank you for your remarks and the spirit in which you have participated. I should

BOWDLER

Could for instance the group areas act - it is just possible I don't know I'm just trying to elaborate this point, could that make

VORSTER

Our Group Areas Act as you know Mr. Ambassador is not applied to South West Africa at all.

BOWDLER

I obviously pick the wrong example I'm sorry. I was just trying to illustrate a point but I don't know

VORSTER

I can't think of anything that will be applicable. If we stick to Mr. Murray's suggestions and if we work that out then frankly

McHENRY

This may be a question which we want to discuss among ourselves and maybe we can be more specific with you with regard to the kinds of legislation, regulations if any.

VORSTER

If there are such matters then you can raise it some time in future. Anything else before we adjourn gentlemen? Are we meeting again Mr. Botha?

BOTHA

Definitely - 11 o'clock tomorrow morning.

VORSTER

11 o'clock tomorrow morning - will that suit you gentlemen? Then I thank you for your attendance this afternoon and more especially for the spirit in which we conducted the negotiations this afternoon - I appreciate that.

McHENRY

On behalf of this group may I thank you for your remarks and the spirit in which you have participated. I should

add that you are not totally without - we will not in discussing these things be totally without views of our own and on my Government's part in those instances where one is trying to reach agreement with the parties for example on the elections with the Secretary General or the Security Council, we will make our best effort to press for agreement on those things which we believe are fair whether there is objection to them or not.

VORSTER

Thank you, gentlemen.

As I said there are a variety of ways in which the essential elements of Resolution 385 can be implemented. It is also agreed that possible ways of implementing these elements might be as follows:

1. As far as elections are concerned. There would be elections on the basis of universal suffrage for a constituent assembly whose task would be to draw up a constitution for an independent Namibia. Voting would be by secret ballot with

VORSTER

Welcome gentlemen. Any matters flowing from our discussions of yesterday that you want to raise?

CANADIAN REPRESENTATIVE

As we did yesterday we thought it useful to review our discussions thus far in the light of the three objectives which we set forth in our initial presentation. We believe it particularly important to do so now in order to ensure that our reports to our Governments and any further discussions we may have with the South African Government or the other parties involved, will reflect our discussions as accurately as possible. At the same time we recognise the illustrative nature of our discussions and the need to add greater specificity to some points.

Now as far as our objective No. 1 is concerned, it is agreed in our view that the purpose of future negotiations should be to develop an internationally acceptable settlement drawn up for the electoral process.

VORSTER

Will you just repeat that last please.

SCHRICKE
on the Namibian issue consistent with Res. 385. There are a variety of ways in which the essential elements of Res. 385 can be implemented.

PRIME MINISTER

If you will just hold your report Mr Ambassador, I am just want to get my documents on 385.

SCHRICKE

As I said there are a variety of ways in which the essential elements of Resolution 385 can be implemented. It is also agreed that possible ways of implementing these elements might be as follows:

1. As far as elections are concerned. There would be elections on the basis of universal suffrage for a constituent assembly whose task would be to draw up a constitution for an independent Namibia. Voting would be by secret ballot with provision to enable full participation by individuals who cannot read or write. And as the international involvement in the elections is concerned, subject to further discussions it should be possible to develop a system of United Nations involvement in the elections so as to ensure that elections are held on a free and fair basis. Such a system might include the United Nations Elections Commission supported by the international civil service of the Secretariat and appointed by the Secretary General. This was another point to underline, the illustrative nature of these suggestions. Disputes might be settled by an independent Commission of Jurists appointed by the Secretary General which could include South African jurists. United Nation conduct of elections, elsewhere might serve as a guide.

No as far as the campaign process is concerned. The Election Commissioner would ensure that nothing would impede full and open participation in a peaceful manner by all adult Namibian in the political process. He would approve the regulations drawn up for the electoral process.

VORSTER

Will you just repeat that last please.

SCHRICKE

The Elections Commissioner which we mentioned before, would approve the regulations drawn up for the electoral process.

BOTHA

May I just at this point ask something. Was that - the understanding yesterday? Was it not that the Administration will draw it up?

SCHRICKE

Yes, they will draw it up right enough - it is not that the Commissioner as we understand it is drawing up the regulations

FOURIE

And then before rather than after they gazetted it, there will be a consultation with him before gasetting - it was not stated that it would be approved by him.

VOICE

I thought it was clear that if the Commissioner would not accept it as regulating free and fair elections, I think it could not be implemented, anyway not with his approval, otherwise his function....

FOURIE

It's a question of nuance and wording

VORSTER

No, but you are perfectly right - I've got, I've made a note whilst the Ambassador was speaking on that very point.

BOTHA

I got notes here reading that he must ensure all these regulations drawn up by the Administration are fair regulations and they are fair when they are drawn up by the Administration.

VORSTER

Well, frankly I have difficulty with the name of Elections Commissioner, I have a very, very serious difficulty with that name.

McHENRY

I don't think that we are wedded to any names Mr Prime Minister.

VORSTER

Yes, I am making my reservation now so that you don't tell me later that I didn't reserve my judgement on that point.

McHENRY

I don't think the effort here is to be wedded to any term now and we've got to really try and get the concepts of having an individual appointed by the Secretary General whose responsibility would be to see that a fair election is carried out.

VORSTER

Yes, please continue Mr Ambassador.

SCHRICKE

All persons, all political parties regardless of political views would be enabled to participate in the process of political education and campaigning. There would be freedoms of speech, press and assembly. The campaign process, like the elections themselves, would be supervised by the United Nations Elections Commissioner. Elections would take place after an appropriate period following installation of the Elections Commissioner.

In the point, detainees or persons born or recognised as inhabitants of Namibia who are not now in Namibia, would be enabled to return and participate in the political process. Detainees would be expected to participate in peace. The

transfer of power in consultation with those mainly involved, the South African Government would develop a plan for its withdrawal in stages from Namibia, to prepare a smooth transfer of power at the end of the political process.

There are further elements of Security Council Resolution 385 on which in our view no agreement has been reached, mainly as far as detainees and political prisoners are concerned. We suggested that all political prisoners be released and that in case of a dispute as to who is a political prisoner, the dispute would be decided by a Commission of Jurists. The South African Government responded that it would release detainees but would not release persons sentenced by courts for criminal acts. Clearly there is a difference on what constitutes political prisoners and since this is a major element of Resolution 385, we will have to have further discussions on it.

And then the legislation and regulations. We suggested that South Africa waive the application of all legislation and regulations which might impede the full participation of all Namibians in the political process. The South African Government suggested that some of this would be taken care of by the regulations for the electoral process. The "Five" will review legislation and regulations and suggest to the South African Government those which in our view would need to be changed.

You will recall objective no. 2 of our initial paper. In as far as this is concerned, we take it from these talks and from the need to explore further some of the points discussed, that we should in due course establish a process for continued discussions with the South African Government. Since there are additional parties concerned, we will also need to have discussions with them.

And then there is objective no. 3 where we expressed concern that all parties in the negotiations avoid steps which might

foreclose possibilities of arranging an internationally acceptable solution. In this regard we emphasized the serious consequences which might follow from the implementation of the Turnhalle Draft Constitution. Now the South African Government has suggested that it might not submit this Constitution to the Parliament. At the same time the Prime Minister is committed to the return of some of the responsibilities now exercised by the South African Government to a Central Administrative authority for Namibia. This might be done by a South African law which authorised the State President to establish such an authority. Detailed plans for such an authority has not been completed. However, it would not be the Turnhalle interim government by another name. Ultimate powers would be reserved to South Africa. However, the Central authority would be empowered to repeal discriminatory and other legislation. Furthermore, the five said that they could offer no considered views about the extent to which the proposal might complicate their task without more information on the proposed administrative rearrangements. The administrative rearrangements in line with or seem to be in line with the substantive content of Turnhalle, would surely further complicate the search for an internationally acceptable solution. The "Five" said that it would be useful to have the additional information at an early date. Thank you, Mr Prime Minister.

VORSTER

There is just one point, Mr Ambassador, which to me is an important point - to you it might not be important - that you did not mention and that is I told you that some of the peoples or territories - call it what you will - has asked the South African Government to institute for them local Government and either it can be done - it can be done in three ways - it can be done by the South African Parliament passing a law to that effect - I do not think you will like that - I personally would prefer that but I am taking it into consideration that you would not prefer it - or it can be done by this interim administration. You are in agreement with that.

SCHRICKE

We have said here, Mr Prime Minister that we understood that this could be done by an act of parliament whereby the State President is empowered.

VORSTER *That is right.*

Well as long -- as long as we are satisfied on the point that I have made my point, then I am satisfied.

That is right?

VORSTER

Yes, we are talking about that point, yes.

McHENRY

Mr Prime Minister, I do not think it makes too much difference in the final analysis. A constituent assembly is to be elected which will draw up a constitution which will decide on the nature of the Government, throughout the territory. So ...

VORSTER

You are talking about this interim period where they hang in the air?

McHENRY

Yes, but in the interim period - frankly I do not think it makes so much difference.

VORSTER

You know, as long as we understand each other on that score, then that is all I am ...

PETERSON

Well, may I just offer an observation in all frankness, could it not be taken on this by some of the outside world if they saw a creation now of a new local authority in Namaland for example or in Hereroland. At this time they would see this perhaps as a strengthening of the Bantustan concept. They might take us amiss.

McHENRY

So, are we talking about this central administrative authority or for example Damaras who want some local ...

VORSTER

Yes that is right.

McHENRY

That is right?

VORSTER

Yes, we are talking about that point, yes.

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VORSTER

No, I do not think it can be seen in that light, because the who ask for it, they are as much against the Bantustan concept, as you are, for that matter and in spite of that they are asking for it, and I am committed - and that is one of the aspects, and I told you gentlemen that straight away, I am committed to hand that to them.

BOTHA

I think, Prime Minister, that this is from the point of view of the Five really not important because the Damaras indicated they do not want it in terms of the Bantu Affairs Act at all. They themselves do not want it, that way at all. It is merely a local authority for six percent of the people - all the others got it and there is no way to legalize the position otherwise. There is no constitutional basis for them to participate in the political life.

VORSTER

I think Mr McHenry made it plain that it does not matter and that we will set about it that way.

McHENRY

Mr Prime Minister that is my initial reaction - my initial reaction is that the

VORSTER

I am sorry, I could not catch the last?

McHENRY

That the method of governing the territory will be decided by the people on the basis of the draft constitution, which they will subsequently prepare.

VORSTER

Yes, but we will come to that sometime in future, but I am concerned about the interim period.

U.K. REPRESENTATIVE

Mr Prime Minister, could we agree that this formula we have mentioned here, that nothing would be done to - in future, to make our task more difficult during the interim period.

SCOTT

Prime Minister, what you are saying is that there are two elements in this, there is the element of a central administrative authority, there are - in addition you are also committed in addition to certain regional authorities, at the request of the local inhabitants. You want us to understand that? You are committed to proof it?

VORSTER

That is all I am asking you to understand.

VOICE

Well I think, I mean, speaking for my delegation, I think our attitude on that is the same as for the central administrative authority - we can not consider how difficult this is going to be for us, until we have had more details, and I think we would be grateful if, in the further information you provide, we could have details both about the central administrative authority and about any regional interim bodies. Is that correct?

VORSTER

For that matter I can not very well take it further than - as I have given it to you today - in other words, it is no use, me working out the thing if you, if you shoot down the principle of the thing. I am concerned about the principle,

and I do not think we must concern ourselves with small details of the plan - the principle is visible there for all of us to see.

U.K. REPRESENTATIVE

Sir, would this involve them legislation, enabling acts or whatever, to establish let us say a local government in Damaraland, a local government in Hereroland or where ever - would that be necessary?

GERMAN REPRESENTATIVE

I have a further question. Will you establish local authority only in the territory which has no local authority?

VORSTER

Which has no local authority .. and you will keep the other as they are?

BOTHA

No change for eighty five percent.

GERMAN REPRESENTATIVE

Because we are not likely to have the same structure, that was in the Turnhalle constitution to be established in all the different parts.

BOTHA

No but 85% of the territory . The status quo is maintained.

VORSTER

You will realise, gentlemen, in this document, call if that, the German Ambassador has just presented to us, we have not had time to study it. There are certain points, and I have already indicated some - which present us with difficulties, and we will naturally have to consider this document before we can give you a considered reply.

FOURIE

Have you got a copy for us, or must we type it first?
Well then, we have got to type it first. We got to be sure that we, have exactly what you have written, otherwise it confuses the issue.

VORSTER

For instance, I pointed out, that I cannot live with the word the Elections Commissioner.

BOTHA

What about agents?

VORSTER

Yes - I just mentioned a few - there are other statements with which I cannot live, but I have to study the document before I give you a firm reply.

McHENRY

I think that my colleagues are agreed that; it might facilitate our work if we made our notes available to you in the precise language which we gave it.

VORSTER

That will help us tremendously because we can have photostats made of it immediately and hand over the document back to you.

McHENRY

But could we, could we underscore the importance of it as it is really our effort to facilitate the discussion - it is a non-paper in essence.

BOWDLER

Could I just point out - make one point Mr Prime Minister you understand, we, none of us have our lawyers here, so in all this language has not been as it were scrutinized from

a legal point of view - it was just an honest attempt on our part to make quite certain that we have got, what you have told us, correctly and that our understanding was correct so it is for that reason we attempted here is a document because at home every one of our Foreign Ministries would say: What? you passed over a document without any of you having shown it to the lawyers, but I agree with him entirely, so that you will know exactly what we said, and what is appearing in the record - it will very much facilitate.

VORSTER

There is no misunderstanding on that point, that it is purely a draft which we will look at.

BOTHA

Look - the other way to obtain it is to give ourselves now the time to go and type it. We can do it that way if you like. I do not think we must be this technical gentlemen, really . . . and then Prime Minister, if I may say so, I think that we will use, we will not be able to continue discussions right now, shouldn't we adjourne to give us the opportunity to look at it.

VORSTER

On this issue, unless the gentlemen want to raise other issues in the meantime, unconnected with this particular issue.

(INTERRUPTION)

You have mentioned inter alia, gentlemen, in your document - the withdrawal of South Africa in phases - now I just want to point out one reality to you, and that is - not only is there a shortfall in the South West African account of about R75 million but you will also know that South African Railways operate at a great loss in South West Africa. The postal services operate at a great loss. You will also know that in many, many cases teachers salaries - official

salaries are paid out of money provided by South Africa. I was wondering whether you had any observations to make in this regard because it stands to reason that I cannot ask the South African taxpayer to go on, indefinitely carrying that loss.

BOTHA

There are other severe matters, Prime Minister, which will have to receive attention in good time, like blood donations flown from Johannesburg - a lot of medical supplies against plague-breakouts and stocks that are kept there, research institutes. There is a word going on where a man is lying in a bed in a hospital in Ovamboland and where a South African Institute is looking after that. Now I take it we are going to withdraw all that.

McHENRY

We live in an interdependent world, and I think when one is talking about withdrawal one is talking about withdrawal in a political sense and it would be up to the people of the new government of Namibia to determine what relationship which it has with the South African government and it would be between the South African Government and the new Government of Namibia to reach agreement on that point. I do not think that we can get involved in determining. What that relationship is going to be as a practical matter. I would expect, that is in Mocambique or Botswana or Lesotho or Swaziland that a number of relationships to which you refer, will have to continue. It is a practical manner.

BOTHA

There is one vital difference here, Prime Minister. The countries mentioned by Ambassador McHenry became independent without any United Nations involvement and became therefore independent in a completely different atmosphere. We are dealing here with a situation where certain concessions are required of us against our will, against what we would have preferred. so that we're dealing here. The international

community, Prime Minister, is claiming responsibility. The international community is doing the pressurizing here. Now if the international community is doing this, Prime Minister, then they must accept certain responsibilities and I think this is what the Prime Minister is getting at, we have a 300 million investment in the Railways, over a 100 million in postal services. I do not know how many millions in hospitals, clinics, institutes - now, what do we do with that? Do we take them out, or what do we do? Because what guarantees have we got that the Government that comes into power there, will fulfill its obligations. We are required to fulfill obligations, but there is another side to the picture. After all, if it was not for the United Nations involvement of which you speak, you would not have been here. You all, in your speeches in the United Nations claim this responsibility - now, what about that responsibility?

VORSTER

Yes gentlemen, we can not eat our cake and have it at the same time and when I report back to my Government that is what they will say to me immediately.

BOTHA

In the case of Rhodesia, there was an ideal on the part of the Western Powers to create what they called an international Trust Fund, to ease the transition to majority rule in Rhodesia to which Rhodesia is not even in this situation South West Africa is. And there the Western powers, at least they, were prepared, Mr Prime Minister to create an international trust fund and we have been told that that idea is still alive. To put it candidly, I want to know, cannot such fund then also be created in respect of South West Africa to ease the transition.

SCOTT

Mr Prime Minister I would have thought that we have not really reached this stage in the discussions at all, if I may say so. What was said on the transfer of power if that the South African Government would develop a plan for its withdrawal in stages. Now obviously we would, I think,

entirely understand that that plan would have financial and other implications, but it is not for us, I mean, we do not represent a body at the moment which could, as it was say well, parts of that plan are other peoples responsibility. Maybe that is how it will work out, but I think it is premature really to go into this kind of detail.

BOTHA

But, Sir David, from a practical point of view the moment you started the kind of negotiation, we started now and we have moved ahead, in my opinion we move ahead.

SCOTT

Ja ..

BOTHA

It is no good postponing these other very serious matters. The territory of South West Africa has got no fuel; all coal, all their energy requirements on which hospitals run from day to day, pumps in far-away districts, where they have got to get water to the people ... If that coal supplies stop - will you fly it in by air?

SCOTT

No, no ...

BOTHA

Tremendous amounts, I mean we got to look - we have got to look at the early stage of these matters.

SCOTT

Yes - it was only saying that the South African Government would develop a plan. This plan will have great implications of this kind, I mean this is - there is no question about this, but short of knowing what the plan is going to be, it is very difficult to know what

VORSTER

You see, to be frank, Sir David, you have hammered and pressed us - you might easily press us to the point where we say O K. we withdraw immediately.

BOTHA

And what then? Well, Prime Minister Wait ...

VORSTER

and leave you with the chaos that will ensue in South West Africa? Because every thing will come to a standstill at that point.

SCOTT

I, I quite understand this point, Mr Prime Minister, but I think the words we have got here, do not seem to me to quite reach this point at the moment. It is a question of you would develop a plan and obviously this is one of the things which then have got to be to be trashed out. The plan will have a number of implications to it, I am quite certain of this, obviously.

VORSTER

And then you hammer us again on the plan and there is no end to it. And my Government wants an end to it. We want - we want finality.

SCOTT

Well, what you are not suggesting, Mr Prime Minister, we could easily, as we are round this table now, develop this plan, I would not even, though you wanted us ...

BOTHA

No no, but the Prime Minister and myself raised this issue at this stage, so that quite frankly - we are not told later that we did not. The point we want to make here - you can deal with a situation, where withdrawal might be more immediat

and sudden then you think - you have got doctors there, you have teachers, engineers, roadbuilders, maintenance staff, water engineers, water people - I wish I could give you an overall

SCOTT

We have great experience with this difficulty, we have done this in a number of territories, in fact, we, we know all the implications.

BOTHA

Yes, but then you withdrew, Sir David, if I may say so under completely normal, planned circumstances. Now you are dealing with human beings there, who would wish assurance from the Prime Minister - they start writing letters - they know you are here to press starts speculating, people get worried, they want to return to South Africa. Things like that ...

VORSTER

They want security, they do not want to stay on there.

BOTHA

They want to know about their pensions, you are dealing with human beings who just want to eat and live in a house, and that kind of thing -

SCOTT

I think we should

U.K, REPRESENTATIVE

I think the most important word in that pass of ours, is th smooth transfer of power. Well it will certainly will not be smooth if all these facilities are withdrawn like that.

BOTHA

But .. I do not seem to be able to put this point on practical across. I have already received calls from two small towns in the territory, last night. The one from a doctor friend of mine, the other one from an attorney - starting to enquire from me, now, saying to me, listen Mr Minister if you hand over now, what about this, and this and this. I can now get - the doctor said - a job in the Transvaal at a certain hospital advertized - should I take it, yes or no? I am just mentioning to you what kind of problems we are faced with.

SCOTT

I fully understand that.

VORSTER

You are in fact, facing a complete breakdown of all services and I am not going to accept the responsibility for that -

BOTHA

This is the point. We have spoken about the political aspects, we have not said one word about this vast practical aspect.

BOWDLER

Mr Minister, we are not talking about the withdrawal of people we are talking about a political process we are talking about the transfer of power, which is a rather different thing.

BOTHA

But it is not - the Prime Minister can not knock a doctor over the head or a teacher or an engineer, and say to him - look you stay there or I will shoot you. This is the point I am trying to get. We can talk about political withdrawal, but those people are part and parcel of administration. This

is the point. Now we have got to talk about this kind of thing.

SCOTT

But I think, what we are asking you to do is to develop a plan for a smooth transfer - well if your plan involves asking other people to do certain things, we accept that. We are merely saying where - as it were putting on you, if you like, the responsibility for proposing arrangements, will, to ensure that this transition in all its aspects, is a smooth one.

If there are certain elements of international co-operation, you require to ensure this transfer is smooth, then of course, Prime Minister, you are absolutely right to say it, I regard, as far as the South African Government is concerned we consider that certain aspects of the smooth transfer of power, must be looked at - and these are. All we are asking where as it were at the moment expressing as it were a hope, that you will draw up a plan for a smooth transfer. I mean our critic - it could be said that this is a plea to you not to that kind of cut and cut and run ...

We are asking you to develop a plan for withdrawal in stages for a smooth transfer.

VORSTER

But let me speak bluntly, if we are to achieve that kind of a solution, then there must come a stop to the abuse which is hurled at South Africa. Then there must come a stop to all the talk about the way we misbehave in South West Africa, the fact that we do nothing there etc. etc, etc. If that sort of talk is continued then my Government, and I can tell you that straight now, will lose all interest.

BOTHA

Because we are getting it from both sides. We must ask our taxpayers to spend millions and millions - Prime Minister it now runs over 600 million rand - the loss in all services. We can not get it from abroad, and from inside. If we get out, we must get rid of this financial burden, we need those funds in South Africa. This is the point I want to make.

MURRAY

But, Mr Prime Minister, If I go back to your earlier point, I entirely accept that if this transfer is to be smooth, there will have to be a new spirit - we are looking for a peaceful, internationally acceptable process and for that process to be before and good tempered, if you like it will require everyone - all the parties concerned, to cooperate in bringing it about in a spirit of cooperation.

BOTHA

Is it then understood that this issue can be raised, can be discussed at a later stage.

SCHRICKE

Maybe there is something what Mr Murray did say. I think maybe there is a little misunderstanding in the - about this - but that should not go far outside. I think each of us, each of the Five - I mean have the responsibility, here and there and ...

VORSTER

I understand your position Mr Ambassador, but to put it bluntly, I don't want in the ultimate end to be saddled with all the disadvantages and no advantages whatsoever. You cannot expect that of my Government and I won't be able to sell it to my Government.

is transferring funds, is giving money to a number of independent countries. We just have France for example have chosen the Conference in Dakar with 18 independent states and there has been an agreement for a new contribution of the French budget to find solidarity between them. That is only an example - there are many others. So the first question I think is a political one. It's a transfer of authority, political authority. Of course the other question is a practical problem that the contribution or the co-operation between an independent Namibia and SA which will depend on the future development that nothing prevents any independent state from co-operating with another independent state. We should see that in that light. First the transfer of authority in state and then of course and you have to consider that, practically of course like we consider the same question, the same type of question as practical problem for our budget.

As far as the co-operation between France and a number of independent African states or other than African states are considered, are in question, so nothing prevents first withdrawal of authority politically and second the future co-operation in practical terms and

BOTHA

If everything goes well and smoothly

VORSTER

I understand your position Mr Ambassador, but to put it bluntly, I don't want in the ultimate end to be saddled with all the disadvantages and no advantages whatsoever. You cannot expect that of my Government and I won't be able to sell it to my Government.

MURRAY

Prime Minister can I make a point. All the developing countries require an external aid on a very large scale to exist. Now we hope that Namibia will be brought to independence in circumstances in which SA will be the major donor of that external aid. If that is not the case I can't see anyone else providing it.

BOTHA

Now but how can we continue doing it. You want us to get out there. Now we are prepared to get out. Now we are raising the issue of a a vacuum that will be created. There is a water scheme of 300 million Rand. If that water is not going to be brought down from the Kunene southwards you can forget about it. Not even the mines will function. Now we can't carry on with this. How can we explain this to our public inside SA that we cut the ties but we must on top of it pay for cutting it.

VORSTER

Frankly as a politician I am saying to you gentlemen now, I can't be manœuvred into a position where my political opponents and the Ambassadors here will know them very well, that my political opponents can say to me and the electorate can say to me, you were chased out of SWA but you are bound to pay for the existence of SWA. I can't have that.

McHENRY

Mr. Prime Minister, I think we have all taken note of the

question which you raised. I frankly had assumed that these questions would be addressed in the time which we suggested might be developed for a smooth transfer of power. But I think we must take explicit note that there are clearly a number of financial and other practical implications which will have to be considered at an appropriate time.

VORSTER

But I think that what you have said now should rightly in some form or another be in a document such as this as you have handed to us.

McHENRY

What I was just proposing is to add that we would - I wish to make explicit what I at least have considered in implicit of that in respect to the development of plans for the transfer of power, there would clearly be a number of financial and practical implications which will have to be considered at the appropriate time.

VORSTER

Yes, I think that is fair ...

McHENRY

And I would suggest - do you have this now? Later I would suggest that that would be added on page 3 under item five that we would add a sentence to reflect our understanding that "this plan will clearly have a number of financial and practical implications which will have to be considered at the

appropriate time"

VORSTER

Yes, you see Mr Ambassador, I am making no apologies for coming back to it again. My Government's attitude, and you must not be surprised if that is my Government's attitude if it is that okay we're out, that we're out of all purposes, and that we are not going to accept the disadvantages to be thrown out of the country and yet to run the country for all practical purposes. That is a situation in which I cannot be manœuvred at all costs. And frankly, you will understand the sense in which I am saying it, United Nations Organisation should have taken that into account when they passed these wild resolutions against us and made these vicious demands upon us. And we begged them and we stated it throughout all the years that they should take it into account.

BOTHA

That is certainly the case. It is not the normal way that this territory is now becoming independent. If we had it our way I think I can say candidly we would have wished it to become independent now or for the next five years, but -

VORSTER

Because candidly they are in many cases not ripe yet, to administer themselves and it has been our policy to lead them to independence, but you have altered us on that and you wouldn't accept it.

BOTHA

We said ten years.

McHENRY

I think this takes care of the point - it has been forcefully brought to our attention, now and I think we acknowledge explicitly how these considerations will have to be covered.

VORSTER

Anything else gentlemen?

McHENRY

I think at some point Mr Prime Minister, perhaps after you have had a chance to review this document we should address in a formal sense the question which we addressed with Mr Fourie last evening informally, and that is the question of the Press.

VORSTER

Like the poor that will always be with us.

McHENRY

And I think

FOURIE

I think what they had in mind was something that the five would issue.

BOTHA

But could'nt we look at this at our next meeting?

McHENRY

Yes, I am just saying it, but I'm just wanted to file it as record.

VORSTER

We naturally have to cross that bridge and a very important one it will be too, for that matter. Because all sorts of people will try to suck poison out of anything that we might have to say.

BOTHA

I wish to state in this respect that we find ourselves in a particularly difficult position politically speaking, but we can perhaps look at that.

VORSTER

If there are no other issues, gentlemen, that you would want to raise, then I think that it is appropriate if we adjourn at this stage and meet when? Mr Botha do you have any suggestions?

BOTHA

I would say, depending on your schedule sir, just after 2, 2.15.

VORSTER

No, for me it will be a bit too early - not before 3 o' clock.

DEURMEKAAR GEPRAAT.

BOTHA

Everybody now has our suggestions for certain amendments and we would like to proceed on the basis of what their views are.

VORSTER

Well you all have, the I take it the Amendment document, Mr Botha.

BOTHA

Well they've got our suggestions with them - we just typed this for our purposes.

McHENRY

What you want now is our reactions to this.

FOURIE

Your group is here with us, and once we know what the totality is, then there is only one or two outstanding ones.

CANADIAN REPRESENTATIVE

Perhaps one should regroup as a whole - all the elements that you proposed and we are left with three difficulties. That is that all the others are acceptable except for the three which I am now going to list and we might have an extra suggestion

tion as well.

The first one is found on page 3 - sub paragraph 3 - this is one we have discussed before the sentence reads "the campaign process like the elections themselves would be supervised by the, what we now call the UN Special Representative. The difficulty arose over the word "supervisor". We suggested to you a small group and the group at large would maintain this suggestion that we might have difficulty with the word oversee. The campaign process like the elections themselves will be overseen by the UN Special Representative. That is still our suggestion, sir, and we would ask you to consider this point.

The other one is found in sub-paragraph 7 on our page 4. You will see that the first two sentences report to represent in the first sentence ... "our view, the view of the five"...and the second is "the view of the SA government". You have suggested in the first sentence that after the words "legislations and regulations" that we should add the word "if any". We would very much prefer since this is representing our views that the words do not appear "if any" at that stage, but we are prepared to accept the appearance of the words "if any" in the second sentence.

VORSTER

No, that's fair enough, I am prepared to concede that immediately.

CANADIAN REPRESENTATIVE

The third one is found at the bottom of page 5 sub-paragraph

11. You have proposed a new wording which was intended to be as close as possible to the intervention made by Ambassador McHenry before and your suggestion would read "the Five said that while the proposal would not necessarily complicate ... McHenry recalled and I think we all have the same recollection that he did not say "would not necessarily complicate", but "might not necessarily complicate".

VORSTER

If that's your only objection then I'm satisfied.

CANADIAN REPRESENTATIVE

That is all remarks we have to make on your suggestions. We have one of our own which would be directed to -.

VORSTER

No, we have'nt discussed your first one yet.

No, if I could leave it aside for the time being, sir. This new suggestion sir, would be related to paragraph 10 page 5. Where we have a discription of your commitments to certain matters and it has appeared to us that this morning during the discussions you put forward or indicated that you also have in mind the establishment of some additional local authorities, and we would like to add this in this paragraph. Therefore at the end of the sentence which starts with the words "at the same time the Prime Minister is committed to the return of some of the responsibilities which now exercised by die SA Government to the central Administrative authority for Namibia". Then we would add the following words :

"and to the establishment of additional local authority."

Well it seems to me that the Prime Minister knew what he meant and that the number of it is obviously up to him. But it is in his view I think that he referred to his commitment.

VORSTER

"local authorities", yes.

"To the establishment of additional local authorities". This is our suggestion for your consideration.

which and where there is no present local authority. Additional to present one obviously.

BOTHA

The only point is that as it is put now here, it doesn't really reflect the very very minor aspect that is involved here, namely that it will only affect 15 not even 12 percent of the country.

McHENRY

All we wanted is to have it reflected accurately so that we can report on it accurately to our Governments.

MURRAY

If there is another formulation that you think is more accurate

VORSTER

No, it's fine "and to the establishment of additional local authorities in such areas where it does not at present exist."

VORSTER :

To make it absolutely clear we can say it is for example Damaraland.
Are you satisfied that it is clear enough?

SCOTT :

In order not to make it look a bigger commitment than it is if this is true
to say of one or two additional.....

VOICE : is alright, I just want it to be clear.

If this is acceptable, Sir, then we are left with only one difficulty, the
first one I mentioned in relation to the word supervise where we have
substituted the word oversee.

BOTHA :

May I just ask , has this question regarding the first paragraph now been
settled?

BOWDLER :

The first paragraph was on their objective number one, we have accepted
your suggestion.

VORSTER :

Is it emphasized by the five?

VOICES :

We emphasized.

BOTHA :

Sure, alright that is the same.

VORSTER:

We emphasized.

FOURIE :

The only thing is now the second sentence of paragraph one
there are a variety of ways in which the essential elements of such a
solution

I am sorry sir that we are both agreed to the purpose of future
"Such a solution" to develop an internationally acceptable settlement
of the Namibian issue

FOURIE :

No, this is alright, I just want it to be clear.

Yes that will do

VORSTER :

So, instead of "it is emphasized by the Five", we have, "we emphasize
that the purpose and as to what we, the five have exercised.

We start after the Namibian issue.

VOICES :

We haven't -

SCOTT :
We emphasized that it should be consistent with resolution 385.

Then the following sentence reads: there are a variety of ways in which
The language now reads, sir, we have emphasized that it should be
consistent with resolution 385.

BOTHA :
SCOTT :

In other words it is agreed that the purpose
The whole paragraph now reads, sir. It is agreed that the purpose of
future negotiations -

It is agreed that the purpose of future negotiations should be to develop an
FOURIE :
internationally acceptable settlement of the South West Africa issue.

No, no, you say we have emphasized this goes in there first.

BOTHA :
SCOTT :

We have emphasized that it should be consistent with resolution 385.
I thought that we were both agreed.

VORSTER :

No, no ... you

SCOTT:

I am sorry sir that we are both agreed to the purpose of future negotiations should be to develop an internationally acceptable settlement of the Namibian issue

VERSKIEIE STEMME VAN S.A.-AFVAARDIGING :

Yes that will do

SCOTT :

That is the common ground as to what we , the five have exercised. We start after the Namibian issue.

SCOTT : that to you.

We have emphasized that it should be consistent with resolution 385. Then the following sentence reads: there are a variety of ways in which the essential elements of such a solution can be implemented.

BOTHA :

In other words it is agreed that the purpose

VORSTER :

It is agreed that the purpose of future negotiations should be to develop an internationally acceptable settlement of the South West Africa issue.

BOTHA :

We have emphasized that it should be consistent with resolution 385.

VORSTER :

Well, as it now reads, the United Nations representative would satisfy himself as to the fairness of the campaign process.

FOURIE :

This was our amendment that we proposed with their coming back with these that the campaign process might like the elections themselves would be overseen by United Nations special representative. Is that correct?

VOICES:

Yes sir.

VORSTER :

You are making it difficult for me gentlemen. I can't live with that word. And you know my circumstances, and you cannot possibly say I am unreasonable when I say that to you.

MCHENRY :

What sort of language would you propose ?

BOTHA :

The United Nations representative would satisfy himself as to the fairness of the campaign process as well as the elections.

VORSTER:

I think that is all you want

SCOTT :

Perhaps we might consider adding to your language the United Nations special representative would have to satisfy himself at all stages as to the fairness of the campaign process as

VORSTER :

It's implicit in it as I see it but if you want the word in then I am satisfied.

SCOTT :

The whole sentence would read: United Nations special representative would have to satisfy himself, at all stages, as to the fairness of the campaign process as well as the elections themselves.

VORSTER :

And now just to come back to the United Nations representative, I must make it clear that we understand each other. It won't be some wild man from Borneo that is being appointed but it will be the representative of the Secretary-General, a member of the staff.

VOICES :

A member of the staff. Not necessarily.

VORSTER :

Then we must argue it gentlemen because you can't settle me with a wild man from Borneo.

MCHENRY :

No, no, he selects the individual and he becomes then a member of the Secretary-General's staff.

VORSTER :

Yes, but now, will we we must live with the man. Will we be consulted if he is not a member of the staff, then naturally I can't have an objection to him. But if he is an outsider I must be consulted about him.

MURRAY :

MCHENRY :

I think the Secretary-General consult broadly on such an individual but perhaps you know that situation better than I.

I am sure the Secretary-General would wish to ensure that the United Nations special representative was one with whom the South African Government as a party principally concerned could co-operate and if the first indication he got was that the fellow was entirely unacceptable to you, sir, that would hardly be a basis for co-operation. I will accept, simply in the interest of common sense an orderly conduct of business the Secretary-General would satisfy himself that the United Nations special representative was someone with whom the South African authorities were going to co-operate.

VORSTER :

As long as we understand then, gentlemen, when I gather from what you have now said Mr. Murray that although not in the strict sense you will sort of ask our agreement for the individual concerned.

MR. MURRAY :

He would wish to satisfy himself that the individual concerned was competent and suitable for the performance of the task and clearly he would not be suitable for performance of this task if he was going to receive no co-operation from the South African authorities.

BOTHA :

And you will back us up if he is wild?

MCHENRY :

Well, if he is suitably wild

MURRAY :

We have given our undertakings in our very original presentation that if there was a procedure devised which we thought honest and fair we couldn't give

any commitment but we would use our best endeavours as members of the Security Council to see that procedure went through. And that best endeavours clause I would take as applying to all the arrangements that we think fair and I suppose the converse would apply if something appears to us that is unfair. I think you would be entitled to ask us to intervene.

VORSTER:

So then you must not turn round if that happens and say to us well you neglected to put it into this working document. Because, gentlemen, you will understand that the delicacy of the office, that this man is going to and if there is not the necessary co-operation and understanding and if this man is not persona grata then the whole thing will end in a shambles and that surely is the last thing that you will want.

MURRAY :

We don't want to spell out the precise relationship because if you as it were has vetoed, a formal veto on the special commissioner other people might try and demand.

VORSTER :

No, no I appreciate, I appreciate that.

FRENCH REPRESENTATIVE :

and it is our hope by giving the job to the Secretary-General and having confidence in his judgement, we get round the possibility that the wild men veto someone as to moderate, to fair and to objective.

VORSTER :

I am glad that you think that the objection against fairness will come from that quarter and not from us.

FRENCH REPRESENTATIVE :

LAUGHTER

MCHENRY :

Mr. Prime Minister before we leave the point, I wonder, and must be candid in saying that I have received an objection to our changing from supervision, from overseen I am sorry, and adopting that language I wonder whether though I would like to eliminate and I don't like the procedure of indicating that there might be some disagreement on there, but I think this is one of the points which we probably will have to handle in that manner otherwise I don't have any agreement on my side. Does that

MCHENRY :

FRENCH REPRESENTATIVE :

Well, we have chopped the word control and since we think all we are doing here is being consistent with Resolution 385, we should like to be reminded in that particular case and so I would think and should be very grateful if you could accept that the campaign process like the elections themselves would be supervised on orders sent by the United Nations special representative.

VORSTER:

In South African context the word overseer, supervisor carries a certain meaning and you must just take my word that I can't sell that.

FRENCH REPRESENTATIVE :

Would you have said monitored?

VORSTER :

It carries the same connotation. What is wrong with a good English word, he must satisfy himself at all stages as the Canadian representative suggested.

FRENCH REPRESENTATIVE :

We are not to be too far from the language - the resolution. We understand your problem with the wording of the resolution, we can avoid these words in finding other words but

VORSTER :

You can - such meaning as to satisfy, as you wish. As long as it does not appear on this document which I must sell to my people.

BOTHA :

If you could use your word that suits you but you must assist us to be able to see the word that suits us.

MCHENRY :

It may be necessary in the to use different language but the machinery we are talking about is his satisfying himself at every stage.

VORSTER :

Yes and that is what stands in the document and I can live with that but I must give you the absolute assurance, gentlemen, that I can't live with any other word.

SEVERAL VOICES :

VORSTER :

Any other points you wish to raise?

CANADIAN REPRESENTATIVE :

Mr. Prime Minister if it's not a difficulty I would just like to make sure about the right language in paragraph two.

FOURIE :

At what point...?

CANADIAN REPRESENTATIVE :

We could start with the last sentence. The one before that, I am sorry. Disputes might be settled

FOURIE :

By an independent commission of jurists appointed by the Secretary-General

.....

CANADIAN REPRESENTATIVE :

Which could include an equal number of South African jurists, the president having a casting vote.

VORSTER :

And who will be the president?

CANADIAN REPRESENTATIVE :

Again Mr. Prime Minister we our idea is again to find a well-known personality, chosen again by the Secretary-General, who will be appointed and would be acceptable to all parties.

VORSTER :

I make the point first of all as a jurist that jurists don't require that sort of safeguard and therefore I am satisfied to leave it as it is. I am sure all other jurists around this table will agree with me that they don't require that sort of safeguard.

No, let them argue it out and I am sure they will find a way to agree or disagree whether it is Let us leave it at the equal number.

CANADIAN REPRESENTATIVE :

Prime Minister, we are thinking of a situation where fairly rapid decisions will probably be required. You might have an equal number on the one side. On the other side might not produce the kind of rapid decisions that we would like to have in such circumstances. What we are thinking of is more like an arbitration type of setup which has been used many times before, for instance I think one of the most recent cases involves my British colleagues

..... and French colleagues over the Channel dispute where they have chosen a Finn as a third man on the arbitration tribunal and this is the sort of thing that the parties involved will have to be satisfied - that the one who becomes president is as mutual and impartial as possible.

LAUGHTER

VORSTER :

Why don't we leave it for the moment as it is and until we see whether it crops up as a real difficulty.

MCHENRY :

Was there I am not clear what we are talking about now. Can you read the language that was agreed in your discussion with Mr. Fourie.

CANADIAN REPRESENTATIVE :

It read, which could include an equal number of South African jurists.

FOURIE :

You suggested then that the president having a casting vote.

MCHENRY :

I thought that it had been agreed that the that, that issue was there.

FOURIE :

Well we this point we had not taken up with the Prime Minister yet just the Minister and I.

MCHENRY :

If I may bring site an example, a horrible example, from history, on this very same subject. You recall that the only way the 1966 judgement through was with a casting vote. There are times when jurists are tied on an opinion.

VORSTER :

I might ask you on that point whether that was the reason why you did not except it.

LAUGHTER

MCHENRY :

But we would be faced with a difficulty if we left the language that there would be equal jurists on each side.

MURRAY :

It just makes the body look more effective. We don't want to expose ourselves to the charge that proposing a body that might not be effective because there was no arrangements to reach a decision in case of division.

BOTHA :

Lets face it you want to tell the United Nations that the fifty percent South African jurists won't have a casting vote, lets face it.

MCHENRY :

Nor the other side

MCHENRY :

Wait a minute, the five are not parties I mean the other the only ones that we select - five as to nationality would be half being South African. Now the other half could come from any number of places and it is up to the Secretary-General to satisfy himself that these people are men of integrity and competence. What we are suggesting is that the Secretary-General be entitled to designate a chairman and that, that chairman have a casting vote And he will be designating the South Africans I assume. He could very easily designate a South African chairman. We are not saying who he designates as far

CANADIAN REPRESENTATIVE :

Would it be possible, this is just a suggestion, to simply say disputes might be settled by an independent commission of jurists appointed by the Secretary-General and leave out the composition of it.

VORSTER:

No, we naturally gentlemen, being a very interested party and I make no bones about it - don't want to try to mislead you, we must naturally see that we because in view of certain happenings which I don't want to refer to, we must insist on that, but can we not discuss it in the light that as far as the chairman is concerned that matter must be cleared up as between us and Secretary-General. Same as we agreed on his personal representative, Mr. Escher.

MCHENRY :

Same basis, sir.

VORSTER :

Well, if you are satisfied with that then I can live with it.

FRENCH REPRESENTATIVE :

We can add the president appointed by the Secretary-General having a casting vote

BOTHA :

All the Prime Minister said was that we have an understanding that the same kind of factors and norms etc. that will guide the Secretary-General

MURRAY :

It appears to me that the prime consideration of the Secretary-General would be in appointing the president if he appointed someone who have the

GERMAN REPRESENTATIVE :

Now, for the same reason, mentioned by Mr. Murray, because a commission of jurists could not function effectively without having at the same time the co-operation of the South African authorities.

BOTHA :

We have the same fears. That is what it amounts to, as regards this very important plan. We have the same fears in respect of his competence and abilities as we would have with the special representative.

MCHENRY :

Are you saying that if that consultation were carried on with regard to the president that you would have no objection to them, the casting vote commissioner.

VORSTER :

If that man is appointed in consultation with us we would have no objection to him having a casting vote.

SCOTT :

We only have one problem with the language Mr. Prime Minister. We have an equal number, we know it means half the

VORSTER :

Well do you want the question of the chairman to stand as a gentleman's agreement or do you want to put it in the document. Either way it is acceptable to me, it is open to you to say.

MURRAY :

It appears to me that the prime consideration of the Secretary -General would have in appointing the president if he appointed someone who have the

confidence of the equal number of South African jurists. Otherwise the commission would not work at all.

FRENCH REPRESENTATIVE:

I mean, he would certainly wish to appoint someone who enjoyed the respect of the South African jurists.

VORSTER :

No, but Mr. Murray again referring to the World Court to which Mr. McHenry referred there you have the position where certain eminent jurists had to
.....

BOTHA :

We objected Prime Minister to the president of that court

VORSTER :

He had to excuse himself because of certain pronouncements he had made in the past. He had to recuse from that case. You may very well know.

BOTHA :

He refused that. We brought an application to the World Court proving and indicating to the World Court that the Russian judge and Sir Khan who was president pronounced themselves in clear terms on the very issues they had to adjudicate. Their recorded views were completely prejudiced. Their ability to judge the case before them and they refused. Russia refused and so did Khan.

VORSTER :

You will know that in all our legal systems recusal is a well-known system. We want to avoid that possibility.

VOICE :

The case is not similar the judges of the court, were already sitting on the bench and you had to go through this procedure if you wanted to recuse. The incumbent will be chosen in the same manner as Mr. Murray have tried to describe. In the same manner as the United Nations special representative would. Obviously after consultation.

VORSTER :

With South Africa included.

VOICE :

With South Africa included. I can not conceive the Secretary-General nominating someone who is obviously unacceptable to you. Can you? I can't imagine that.

VORSTER :

Supposing we had valid reasons not to accept, what would your suggestion then be.

VOICE :

I think we would have to find another

VORSTER :

Well as long as we understand each other very clearly on that then I am prepared to leave it at that. Because your words are distinctly that then we will have to find another and if that is the gentleman's agreement between us then I am prepared to accept it.

CANADIAN REPRESENTATIVE :

Because as someone said before we can not put on a piece of paper an explicit right of veto.

BOTHA : We understand it .

CANADIAN REPRESENTATIVE :

From past experience we understand that this is the way it is done.

BOTHA :

It is implied quite tacitly.

CANDIAN REPRESENTATIVE :

The system implies a fair candidate for the position.

BOTHA :

Yes ...

VORSTER :

Agreed then, gentlemen.

VOICES :

Agreed.

VORSTER :

Anything else, gentlemen?

MCHENRY :

I don't think we have any other comment on this piece of paper Mr. Prime Minister except to say that

That it is our desire that this paper remains in confidence between us. We tried to be as precise as we could because we will need to accurately reflect the discussions and to reflect your views back to our Governments and to other parties. And we also need to seek precision for any future discussions which we might have. But having said that we would think it very unfortunate if this piece of paper became a public document. We can't totally guarantee that it won't but we will use our best endeavours to ensure that it doesn't.

VORSTER

I absolutely agree with you, Mr McHenry, and you can ask the Ambassadors sitting around this table. It is not our habit or custom to leak things of this confidential nature to the Press and nobody in South Africa has ever had reason to complain about that. I take it from what you say that this would not be circularized as a United Nations document.

McHENRY

No sir.

I think there will be some at the United Nations who would not like some of the language you use.

BOTHA

Well the applies you know, I might say, we would not like to let this get to the Press this at all.

This has still been a non-paper.

BOTHA

Sure

McHENRY

I think we have two points which we would like to get some understanding on. The first one is your reaction to the brief paragraph which we gave you, I think this morning with regard to the request.

VORSTER

Yours will read then as follows gentlemen. "The legations of Canada, France, the Federal Republic of Germany, United Nations, United Kingdom and the United States, each of whose Governments is a member of the United Nations Security Council had frank and useful conversations on the South West African question with the South African Government from April 26 to 29. The five delegations will now in form their respective Governments about the substance of these exchanges of views following which further talks are envisaged. That's our copy here and I am fully in accord with that. Except that I read in South West Africa where you have Namibia. We will then respond by saying - we've had frank and useful discussions with the delegations of Canada, France, the Federal Republic of Germany, the United Kingdom, the United States of America. These delegations will now report back to their respective Governments on the substance of these discussions, following which further talks are envisaged. That is all that will come from us.

McHENRY

I think we've agreed on that. We would do this at the conclusion of this meeting.

VORSTER

You want the Press because I would accept that they are all waiting outside and they are all going to get you in the passage there. Would it suit you better to bring them in here and to get

McHENRY

It might be more efficient.

VORSTER

Would it suit you better to get them in here, because then we can get them off your backs. But if we don't do it that way, they will be following you down the street and all that sort of thing.

We must just decide on which of your party will read it out to the Press.

McHENRY

I think the wording is fine. Now the second thing is that we will have to ... as we indicated .. engage in discussions with other parties. The Secretary General for example. Just as we have discussed this with you here. It will be necessary for us to discuss it with other parties principally concerned with this question. The United Nations significant political factions in Namibia would constitute additional parties and among those factions we would identify the participants of the Turnhalle conference and SWAPO. We do not intend to pass to any of them these documents. But we do want to try or we will have to try in talking with the Secretary General and in trying to show that we have general agreement with other parties to do as best we can give them some idea of these discussions.

VORSTER

Did I hear correctly, Mr Ambassador, that you said amongs others you would like to discuss this with sections of the Turnhalle conference.

McHENRY

That's right.

VORSTER

They were here and unfortunately they are no longer here.

McHENRY

That we understand. We suggested when we started talking that ... well we thought it was premature at that stage for us to engage in any discussions with them. That we anticipated that that would be necessary at a later stage. And what I am suggesting is that well I can't be precise on date, time, that we will, won't perhaps through our Ambassadors here, in South Africa to ourselves in form then of what, I'm sure you have already informed them, with regard to these discussions and to give them some idea from us of what we are doing. It just represents our effort to try as much as we can to bring this

process to a successful conclusion.

VORSTER

Now ... that, that you say that you will want to talk to all parties concerned, because if you only talk to one section, then I can tell you all hell will be let loose. Because there is a bad feeling already because of the fact that for purposes which you have explained, you didn't see fit to talk to them now.

McHENRY

We did not talk with the Secretary General before we left except to inform him that we were coming here. And we simply did not believe it was appropriate to do so at that stage. What I am saying is that we would anticipate such discussions and I can't be precise at this stage partially because I have to report back, we all have to report back to our Governments, but we are authorized to say that.

VORSTER

That is appreciated.

McHENRY

Is there anything else that I am to handle?

MURRAY

Could I just make a point, Mr Prime Minister. As Mr McHenry has said we won't give anyone a piece of paper. We shall draw upon this piece of paper assure lanes. But inevitably, I fear that not everyone will be as discreet and confidential as ourselves. All we can do is to give our best endeavours to ensure that this does not come out as a document.

VORSTER

Yes, and if people are not discreet and garbled versions get into the Press naturally it will have to be corrected.

McHENRY

Certainly.

BOWDLER

Then that is not for tomorrow Mr Prime Minister.

VORSTER

I might just add you might lose my Minister - there is an election on the eleventh of May - if you are not careful.

McHENRY

He told us last night but everything we need, will come out before the eleventh of May.

SCOTT

Could I just add one tiny point. Will it be advisable for us all to put the word confidential on every page of this document so that we know we are treating this as a confidential document.

McHENRY

I am reminded by my Canadian colleague that I left out one additional point. The one additional point was that as a part of those consultations, we will certainly have to inform other members of the Security Council of and some other States who might be influential in helping us reach agreement on these proposal.

VORSTER

That's fair enough.

McHENRY

I think we have no more points, Mr Prime Minister, and I think it is on behalf of my colleagues want to thank you and your associates ... your Government for the rather frank and enlighting and extremely useful discussions which we have had here. I thank you particularly for taking as much time of what I know is a busy schedule. I hope that this is the first stage of and only the first stage of our endeavour to wipe

out, eliminate a problem which has been with you and with the international community for a very long time. We will now ourselves put it on the back-burner. We will try, as rapidly as we can and as energetically as we can to see that these discussions go on in the manner in which they have been conducted here over the last three days. I don't think any of us can guarantee that we will ... that our journey will be entirely unsuccessful. I am assure you that I can anticipate many difficulties ahead. But I hope that with goodwill and with the application of our intelligence that there can be minimized. So, again on behalf of my colleagues, thank you very much.

VORSTER

Well on behalf of the South African Government and my colleagues here gentlemen, I don't want to repeat everything that Mr McHenry has so ably said, but I want to thank for coming and I want to thank you for the spirit in which we were able to conduct these negotiations. Just as a matter of interest. When will you gentlemen be leaving?

MCHENRY

I think we are scattered over different times, but most of us will be gone by Sunday.

VORSTER

No, all I was wanting to say is if you wanted to stay a bit longer will gladly extend such hospitality to you as I can. And you will be very welcome if you wish to stay on.

MCHENRY

Thank you very much.

VORSTER

I can do worse than that I'm sure, I think it is good that you came. It is interesting that for the first time after so many years we have been able to sit around the table instead

of shouting at each other over the floor of UNO and other conferences and I frankly think that we can all learn a lesson from this. And in future rather resort to this sort of meeting than to any other one. And I wish that you will all arrive home safely. And I think we have achieved a great lot and I sincerely hope that you will be able to sell it as I sincerely hope that I will be able to sell it on my side.

Can the Press now be called in.

McHENRY

.....

ABOUT the substance of these exchanges of views following further talks are envisaged. That's it.

VORSTER

As far as South African Government is concerned, ladies and gentlemen, all we have to say to you on this occasion is that we've had frank and useful discussions with the delegations of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States of America on the question of South West Africa. These delegations you have heard will now report back to their respective Governments on the substance of these discussions and I will report back to my Government, following which further talks as you have heard are envisaged. Thank you, ladies and gentlemen. That concludes our proceedings in this room.