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MINUTES OF THE MEETINGS BETWEEN A SOUTH AFRICAN
DELEGATION AND THE SECRETARY-GENERAL OF THE
UNITED NATIONS, CAPE TOWN, 23 AND 24 AUGUST 1983

SOUTH AFRICAN DELEGATION:

The Honourable R F Botha, Minister of Foreign Affairs and
Information

General the Honourable M A de M Malan, Minister of Defence

The Honourable B J du Plessis, Deputy Minister of Foreign
Affairs and Information

Mr J van Dalsen, Director-General of Foreign Affairs and
Information

Ambassador B G Fourie, South African Ambassador to the
United States of America

Ambassador K R S von Schirnding, South African Permanent
Representative to the United Nations

Dr J P Roux, Secretary, Department of the Prime Minister

Lt Genl A J van Deventer, Secretary of the State Security
Council

Lt Genl P W van der Westhuizen, South African Defence Force

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Adv J D Viall, Chief Legal Adviser, Department of Foreign Affairs and Information

Brigadier C J van Tonder, South African Defence Force

Mr D W Steward, Deputy Director, Department of Foreign Affairs and Information

Mr A L Manley, Assistant Director, Department of Foreign Affairs and Information

Mr C J B Wessels, Assistant Director, Department of Foreign Affairs and Information

Mr P R Dietrichsen, Counsellor, Department of Foreign Affairs and Information

ALSO PRESENT

His Excellency Dr W van Niekerk, Administrator-General of South West Africa/Namibia

Mr S M Cleary, Chief Director, Office of the Administrator-General of South West Africa/Namibia

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UNITED NATIONS DELEGATION:

His Excellency Javier Perez de Cuellar, Secretary-General
of the United Nations

Mr B E Urquhart, Under-Secretary-General for Special
Political Affairs

Mr A A Farah, Under-Secretary-General for Special Political
Questions and Co-ordinator, Special Economic Assistance
Programmes

Mr M Ahtisaari, Special Representative of the
Secretary-General

Mr E de Olivares, Executive Assistant to the
Secretary-General

Mr H Omayad, Senior Political Adviser to the Special
Representative

Mr F Giuliani, Spokesman for the Secretary-General.

The talks commenced at the Castle during a luncheon hosted
by the Honourable P W Botha, Prime Minister. After lunch,
the Prime Minister, Ministers R F Botha and M Malan, with
only a small number of officials present, had private

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discussions with the Secretary-General (SG) on general issues concerning South West Africa/Namibia and the region.

Formal talks at Tuynhuys started at 14h40. Media representatives were allowed to take photographs of the delegations.

MINISTER BOTHA opened the meeting by repeating his welcoming remarks of earlier in the day to the Secretary-General and his party. THE MINISTER then started the formal talks by advising the SG that he was not planning to introduce a new element into the negotiations but thought it prudent to give the SG and his party some background, since a person in the SG's position could not divorce himself from the realities of Southern Africa as a whole. The Prime Minister had also requested the Minister to underline South Africa's commitment to the search for a peaceful solution. Regarding the background, THE MINISTER mentioned that he and his officials had worked hard to prepare a background paper which was to be handed to the SG at a later stage, in order to give him a summary of what South Africa saw as the historical background to the present situation. Much of the history of the case had taken place before the SG took office - he might have been briefed by his officials - but the Minister felt duty-bound to inform the SG of the South African side. South Africa had often been accused of being insincere and, of delaying the implementation of Security Council Resolution 435 - it was therefore necessary to counter that distortion of the facts. The SG need not comment on the document but it would be handed to him in the near future.

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THE MINISTER continued and suggested that the questions considered to be outstanding or unresolved should be discussed. There was, firstly, South Africa's position on the presence of Cuban and other surrogate forces in Angola. THE MINISTER confirmed that the one major issue still to be resolved was the withdrawal of Cubans from Angola, on the understanding that they would not be replaced by any other hostile forces. In that regard, he wished to confirm the clarification of his letter of 10 August 1983 which was conveyed to the SG in New York by Ambassadors Von Schirnding and Fourie. In that letter it had been stated that "Once firm agreement has been reached on the fundamental requirements of Cuban withdrawal; and a commitment has been obtained from the Angolan Government regarding the implementation of such an agreement, the South African Government is of the opinion that the outstanding issues can be addressed and resolved reasonably quickly within the framework of the understandings that were reached between South Africa and the Contact Group." However, THE MINISTER explained that this was in no way intended to preclude discussion and settlement of the outstanding issues at this stage but was simply a restatement of the South African Government's opinion that resolution of these matters would of course be facilitated by Cuban withdrawal. THE MINISTER stressed that South Africa's position was accordingly that the outstanding issues could be addressed and resolved within the framework of the understandings reached with the United States and the Contact Group.

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The second question considered unresolved, was UNTAG (UN transitional assistance group). Agreement had been reached on the functions of UNTAG - it was not to be reopened. The composition had to be discussed however. Regarding the logistical group, the understanding was that it would consist of Australia, Luxemburg, the Federal Republic of Germany, India and New Zealand. The military component had posed some problems since South Africa was not prepared, previously, to accept Finland and Ghana. The latter had originally been accepted but due to internal problems in Ghana and evidence that the Government of Ghana was co-operating with Libya, South Africa had been obliged to reject the participation of Ghana. Because of the presence of Finnish missionaries in Northern SWA/Namibia and their close identification with SWAPO in the eyes of the local population, the internal political parties opposed the inclusion of a Finnish contingent in UNTAG on the grounds that it, too, would be associated with SWAPO and that the chances for a free and fair election would thereby be jeopardized. South Africa was now, however, prepared to accept a Finnish battalion on the understanding that these troops would be stationed in the southern parts of SWA/Namibia away from the traditional area of Finnish missionary activities. The military component could therefore consist of contingents from Sudan, Togo, Panama, Finland, Bangladesh, Indonesia and Yugoslavia - 7 battalions. This was within the framework of understandings reached with the USA and members of the Contact Group. Regarding the numbers there was some controversy. Referring to the relevant documentation, THE MINISTER mentioned the fact that the figure of 7500 troops had been

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included in the (former) SG's report as the authorized upper limit. It was, however, the South African understanding that the figure would have been determined by the needs - i.e. to fulfill UNTAG's function properly, and that it would have been the subject of consultation and regular review. The objective had also been to keep two battalions in reserve. These aspects could be verified by members of the Five (Contact Group). Former Secretary of State, Cyrus Vance's book confirmed these facts. Even Sam Nujoma (SWAPO) had not asked for more than 5000 troops, while President Carter had seemed satisfied with the figure of 2000 which was also considered acceptable by South Africa. South Africa had therefore been upset by the inclusion of the figure of 7500 in the Report. The term ...maximum upper limit of 7500...could be maintained but the actual figure for troops doing operational duties would have to be cut down on the understanding that some units would be held in reserve outside SWA.

On the functions and numbers of the monitors, the Five had given the impression that the Administrator-General (AG) would be included in the consultations. The surveillance functions of the monitors had been described in the relevant document and fell within the framework of understandings. Certain problems were presented by the question of the demobilisation of ethnic units of the forces in SWA/Namibia. If these soldiers were to be demobilised, they would have no way of supporting themselves and their families. If the retention of a skeleton SADF command structure were not accepted the UN would have to accept responsibility for their material welfare. Should they

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just be demilitarised and stay intact as units, the situation would be different. (THE MINISTER quoted the relevant paragraphs). Another aspect was the parity of the number of monitors on both sides of the SWA/Namibia and Angolan border. Reasonable proposals on the deployment of the monitors had been made, inter alia that 200 should be deployed north of the border and 200 south of the border.

MR AHTISAARI then asked if he could make some remarks. He referred to the Minister's comments and the parts which had been read from the Minister's document, and remarked that it would have been useful to have a copy of the document. He had also read the Vance book and considered it a pity that it was not always clear what had been discussed by South Africa and the Five. When the figure of 7500 for UNTAG was included in the proposed plan, he had been under the impression that the figure presented an objective evaluation of the need.

MR URQUHART mentioned that he had been under the impression that Malaysia was meant to be used and not Indonesia. He was also very happy that Finland was now acceptable.

THE MINISTER replied that he would agree to the inclusion of Malaysia.

MR URQUHART continued that the UN would as far as possible look at civilian resources for the logistical component and that the requirements would determine the involvement of the countries on the list. The signal unit still presented problems and the committed contingent was not anywhere near the proposed list. There was also a budgetary problem.

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MINISTER BOTHA mentioned that the UK or India was to supply a signals unit and that, quite frankly, the budgetary problem would have to be resolved by the UN.

AMBASSADOR FOURIE added that the facts of the case history showed that South Africa had accepted the UN proposals.

MR URQUHART replied that the UN would do some recruiting and might even be forced to use more European countries. It would be recalled that Iran was originally to have played a role.

THE MINSITER concluded that it was not an outstanding issue and could be dealt with by consultation.

MR URQUHART further added that the proposals would have to go to the Security Council and that logistical arrangements would depend on practical questions.

In reply to Mr URQUHART's remark that the UK for example had since had the Falklands War and was heavily committed, THE MINISTER mentioned that South Africa was also paying a price because of the Falklands War. Simply because Cape Town was being used by the British as a staging post for their airport construction activities on the Islands South Africa's relations with Argentina had deteriorated.

AMBASSADOR FOURIE reminded the UN team that members of the Five might already have communicated certain ideas etc. to the UN and that the Meeting was not seeking agreement on

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the practical issues - South Africa had already agreed with the USA and the Five on certain questions.

MR Omayad added that there had been several drafts of the implementation plan and that the Minister was quoting from the final version.

THE MINISTER agreed and added that the formula on Cuban withdrawal used in his letter of 10 August 1983 had been included in one of the documents of the Five. What was happening was that he was now prepared to discuss the details of the implementation plan before agreement on Cuban withdrawal had been reached. THE MINISTER then asked the Minister of Defence, General Malan, whether he had any matters to raise.

MINISTER MALAN referred to the deployment plan and said that some clarity was needed since the plan influenced practical arrangements for troop movements.

MR Ahtisaari replied that the upper limit of the number involved had been agreed upon and that it had always been his impression that the actual deployment would be determined by the Force Commander. It was not considered a problem.

MINISTER BOTHA added that the whole thing was a little bit like the chicken and egg situation - if there was visible and complete peace, few troops would be necessary. The UN group would also realise when they visited SWA/Namibia how problematic the situation was.

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AMBASSADOR FOURIE returned to the question of monitors and said that if there were any differences between the South African and Five versions of the proposals, this could be verified.

MR OMayAD pointed out that it had been agreed earlier in the year that monitoring would take place in Zambia, Angola and SWA/Namibia, but that until it had been determined how many camps were involved, it would not be possible to decide how many monitors should be involved.

MR AHTISAARI added that it would not be practical to insist on the 200/200 parity. It might become necessary to have more monitors in Angola than in SWA/Namibia and it should not become an issue.

MINISTER BOTHA said that the aim of the monitors should not be forgotten - they were to control troops and keep the Special Representative informed.

THE SECRETARY-GENERAL agreed with the Minister and read from Security Council Resolution 435 in connection with the subject.

MINISTER BOTHA proceeded to the following matter he wanted to raise by quoting from documentation on the implementation of settlement proposals. Quoting from the text, THE MINISTER drew attention to the need for impartial and equal treatment of all parties concerned by the different organs of the United Nations. When the Security

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Council allowed SWAPO to address the Council but would not accord other political parties the same treatment, the internal political parties' suspicions about the intentions of the UN grew to the extent where the wisdom of holding UN supervised elections was being questioned. It was difficult to understand why these parties were not allowed to address the Security Council since such a simple gesture would increase trust in the UN. The partiality of most of the UN organs very nearly led to the breakdown of contact with the UN. It had been South Africa's position at a stage in 1981 not to allow the blue helmets of the UN into SWA/Namibia but only military units from individual countries in their national uniforms. When during a visit of the then United States Under Secretary of State, William Clarke, the South African Government had not been willing to "give an inch" on the subject, Mr Clarke asked whether it would change the situation if the Cuban forces could be removed from Angola. The matter was discussed with the Prime Minister, who agreed that the situation would change if the Cubans were to depart. It was also agreed that a number of UN troops would then become acceptable.

THE MINISTER continued and pointed out that the information given to the UN delegates was for their background information and not for the Secretary-General's report. But the details showed how it came that the Cuban withdrawal, the presence of UN troops and impartiality all became facets of a settlement in SWA/Namibia. Although the withdrawal of Cuban troops had been an American suggestion at a stage when a complete impasse had been reached, the South African Government had informed the Angolan

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Government that South Africa had to insist on the withdrawal of the Cubans from Angola. Since the Americans could not give guarantees about the Cubans not interfering in SWA/Namibia after independence, and there was no guarantee that free and fair elections could be held as long as UN bodies continued to support SWAPO financially and recognize it as the sole and authentic representative of the people of SWA/Namibia, the mistrust and anxieties of the people of SWA/Namibia were understandable.

THE MINISTER indicated that South Africa had consistently rejected resolutions of the General Assembly which declared SWAPO to be "the sole and authentic representative of the people of South West Africa." Under no circumstances either now or in the future would it receive any representative of the United Nations on that basis.

Concluding his introductory remarks about impartiality, THE MINISTER explained to the Secretary-General that his "long route to the question of impartiality " was aimed at bringing home the fact that the people of SWA/Namibia could not distinguish between the different UN organs and that impartiality was very important. In order to help to build confidence, it would be useful to learn when and how the SG intended implementing the impartiality to be shown by UN organs before the implementation of the settlement plan. There were questions of UN budgets etc. to be considered - e.g. the funding of SWAPO propaganda. The question was not an effort to pin the SG down but an effort to prevent problems at a later stage when implementation was to start.

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THE ADMINISTRATOR-GENERAL added that the example of the 1983 Paris Conference on SWAPO when Mr Shipanga had been prevented from participating, made it difficult to tell the people in SWA/Namibia that the UN would be an honest broker.

MR AHTISAARI replied that the UN group recognized the existing partiality. But they also expected impartiality from the SA Government. Implementation would never become possible if the two sides did not help each other. Once there was a firm agreement 6 to 8 weeks would be necessary before the SG could go to the Security Council. When such an understanding was reached, the other organs would be requested to help to stop direct assistance to SWAPO.

MINISTER BOTHA and the AG, in reply to Mr Ahtisaari's statement pointed out that if he found their questions objectionable, he was to say so. There was no reason to attack the South African Government. If Mr Ahtisaari maintained this attitude they might as well call the talks off.

THE SECRETARY-GENERAL confirmed that once a breakthrough had been achieved, he would use all his influence to change the UN's partiality in favour of SWAPO - he and the UN had an obligation to do that once the settlement plan moved ahead.

THE MINISTER protested against the continuing bias in favour of SWAPO on the part of UN bodies and emphasized that no settlement plan would be implemented unless the SG

and his personnel acted with strict impartiality. He showed the SG a copy of a pamphlet containing SWAPO propaganda published by the UN and said that that kind of assistance to SWAPO would not be tolerated.

THE SECRETARY-GENERAL in response revealed that he had ordered an investigation into the matter before he left New York since he was not aware of the reason why it had been distributed.

In reply to MINISTER BOTHA's comment that his question about when and how the SG planned to implement impartiality, MR AHTISAARI apologized for choosing his words poorly. He added that he understood the problems created by the General Assembly and the Security Council bias but that he could confirm that expenses on behalf of SWAPO would stop the moment agreement was reached on implementation.

THE MINISTER then indicated that he thought it necessary to refer to the reciprocal release of prisoners. He referred to the list of names of SWA/Namibia citizens held by Zambia and Tanzania which had been given to the UN in terms of an understanding reached earlier. Enquiries had apparently been made about the status and state of health of those people without success. South Africa was in a position to furnish a list with all required details of prisoners held in Namibia. In order to avoid delays and problems on this subject at a later stage, he would request the SG to consider steps to investigate the question, to enable all parties to say truthfully that everything possible had been

done to ascertain the whereabouts and state of health of the people concerned. Perhaps the International Committee of the Red Cross could be asked to investigate the whereabouts of the persons who were detained in other African countries.

MR AHTISAARI interjected that he would appreciate receiving a new up-to-date list.

THE SECRETARY-GENERAL agreed to follow up the matter as soon as the list was received. He believed in that type of confidence-building measures and would raise the matter with the International Committee of the Red Cross.

THE MINISTER thanked the SG for the undertaking and continued by referring to the Status Agreement. On the question of the immunities to be enjoyed by members of UNTAG,, THE MINISTER indicated that he did not consider it an issue and would be happy to remove it from the list of issues, as he thought it could easily be assessed and determined on a functional basis and preferably not according to grade or rank.

THE SECRETARY-GENERAL agreed with the Minister's approach.

Regarding the regulation of commissaries, the MINISTER indicated that certain investigations would have to be concluded in order to ensure that the terms of the Customs Agreement with neighbouring states were complied with and that South African laws were observed. He suggested that the matter be dealt with in due course by the Ambassadors concerned.

THE SECRETARY-GENERAL agreed and MR AHTISAARI added that it would be good to have the details before implementation started.

THE MINISTER then proceeded to discuss the question of the voting system to be used in the elections envisaged. He gave the background of the dual system which the Five had proposed but which was found to be unacceptable by several parties. The South African Government had consequently decided that the existing understanding, i.e. that the AG would inform the Special Representative of the system to be used on a date after implementation started, could be altered to bring the date forward since parties had indicated that they would need more time to prepare for elections. He therefore suggested that the AG should advise the Special Representative of the system to be used as soon as a date for implementation had been agreed upon.

MR AHTISAARI replied that the decision would be registered.

THE MINISTER then indicated that he would like to hand the SG a document before he left Cape Town spelling out the South African position on Security Council Resolution 435 since confirmation of South Africa's commitment to the implementation of the plan would remove suspicion. In terms of this commitment the South African Government was seeking a peaceful settlement of the SWA/Namibia issue on the basis of SC resolution 435 and was prepared to implement such a settlement within the framework of the understandings reached with the United States and the Contact Group.

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THE MINISTER subsequently concluded that, as far as the formerly outstanding issues were concerned, the matter of commissaries was the only one not disposed of during the meeting. To this had to be added, of course, South Africa's position on Cuban withdrawal.

THE SECRETARY-GENERAL, in response, suggested that a list be drawn up for the two sides to use as an internal working document.

MR FARAH enquired whether it could be accepted that both sides had the same understanding with the Contact Group of Five. He added that it would be useful to have a copy of what the South African side was working on.

THE MINISTER replied that as far as he understood it, it was the responsibility of the Five to keep both sides informed.

AMBASSADOR FOURIE added that the SG's mandate did not require him to spell the matters discussed out in detail in his report - that safeguarded the position of the SG. If there were any queries on the UN side, the Five should be approached for details.

After an exchange by AMBASSADOR FOURIE and MR AHTISAARI about the need to have the same "papers" THE MINISTER concluded that he was satisfied that South Africa was interpreting the proposals of the Five correctly. What had been achieved during the Meeting was that issues which had been outstanding over the last year since they were to be dealt with after Cuban withdrawal, had now been resolved.

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After another exchange between AMBASSADOR FOURIE, MR FARAH and MR AHTISAARI about the need to have the framework of understandings with the Five drawn up in one paper, THE MINISTER stated that the Five might be unhappy if South Africa were to hand over those documents and agreed with the SECRETARY-GENERAL that the list to be drawn up would only concern issues which had been dealt with during the meeting.

THE MINISTER summarised the list as the restatement of South Africa's commitment to the implementation of the "Resolution 435 plan"; the composition, figures and deployment of UNTAG; the necessity for impartiality; the status agreement; the early choice of a voting system; and the action regarding the mutual release of prisoners.

The Session was adjourned at about 18h00 on the understanding that informal discussions were to continue during the dinner hosted by the Minister and the final Session the next morning.

MINUTES OF SECOND SESSION : WEDNESDAY 24 AUGUST 1983

THE MINISTER opened the session and, with reference to the position of the AG during implementation, asked Ambassador Fourie if he would say why is there now a suggestion of a UN Police force. This was never agreed to by South Africa.

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AMBASSADOR FOURIE replied that there had been an additional understanding that the persons concerned will have a police background but would function as part of a civilian force, not as a police force.

THE MINISTER and the SECRETARY-GENERAL discussed handling of the Press and agreed that each would prepare a written statement.

THE SECRETARY-GENERAL then turned to the report which he would submit to the Security Council and asked the Minister what he thought were the positive aspects he could mention.

THE MINISTER replied that the SG would have to decide for himself but that questions on impartiality and UNTAG had been dealt with satisfactorily as well as all the other outstanding issues. The Minister mentioned them.

THE SECRETARY-GENERAL agreed and confirmed that once elections in SWA/Namibia were to take place, SWAPO would become "just another party".

MR AHTISAARI again raised the question of understandings reached with the Five and pointed out that the confidentiality of the matter presented some problems.

THE MINISTER added that the sooner the understandings were made known, the better, since the situation was creating suspicions.

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AMBASSADOR FOURIE pointed out that discussions on the understandings would endanger the negotiations the Five were having with Angola. It would also lead to an open fight in the Security Council.

MR AHTISAARI agreed.

The discussions then centred on the text of the document prepared after the talks of the previous day. (Final text in annexure).

MR URQUHART asked what was meant by the second sentence, second subparagraph of paragraph 3 on page 2 regarding the refusal to receive a representative of the UN.

THE MINISTER replied that it referred to receiving representatives of the UN in SWA/Namibia or South Africa for the purposes of the implementation of the settlement plan as long as SWAPO was recognized as the "sole and authentic Representative of the people" of SWA/Namibia.

MR AHTISAARI then raised the question of the electoral system (page 3, para 5 of the annexure), since he thought the wording was confusing.

After some discussion during which the MINISTER, the ADMINISTRATOR-GENERAL, AMBASSADOR FOURIE, MR AHTISAARI and MR OMayAD made suggestions, the text as contained in the annexure was agreed upon.

MR FARAH then raised the question of detainees referred to in paragraph 6 of the annexure, in the light of the fact that South Africa had already submitted a list to the Special Representative for attention. Discussion followed as to how the paragraph was to be worded and whether the SG's offer to take the matter up with the ICRC had to be included.

THE SECRETARY-GENERAL confirmed that he would raise the matter, after which the text in the Annexure was approved.

THE MINISTER then read the statement he intended issuing to the press and asked the SG if he was satisfied.

THE SECRETARY-GENERAL said his staff considered the document and suggested two changes regarding the partiality of some UN bodies and his position on the status of SWAPO.

THE MINISTER accepted the changes and then listened to Mr URQUHART reading the SG's proposed statement.

THE MINISTER gave the matter some thought and agreed to the text.

The meeting adjourned before lunch and a press conference was held after lunch, during which copies of the press statements of the two sides were issued and the MINISTER and the SECRETARY-GENERAL separately answered questions.

The Secretary-General's party proceeded to SWA/Namibia at about 14h45.