

SECRET

MEETING BETWEEN THE SOUTH AFRICAN GOVERNMENT AND THE
WESTERN CONTACT GROUP IN CAPE TOWN ON 28 OCTOBER 1981

RSA

The Hon R F Botha
General the Hon M Malan
Dr B G Fourie
Brig N van Tonder
Mr J A Eksteen
Mr V R W Steward
Mr J H A Beukes
Mr D W Auret

THE FIVE

Mr C Crocker (USA) and five assistants
Sir Leonard Allinson (UK) and three assistants
Mr Bergbusch (Canada) and two assistants
Mr Haas (West Germany) and two assistants
Mr Ausseil (France) and four assistants

DISCUSSION ON

"non-document" - pp 6-25
constitutional principles - pp 26-48

MR BOTHA: Ladies and gentlemen, you are all very welcome in South Africa. May I suggest at the inception of these discussions that we all relax. Those who want to have tea or coffee ... can't we just first of all finalise that? Is that possible? Who wants coffee? Tea? Abstentions? No veto's! (Brief pause to take a count).

As I have said, you are very welcome. Allow me at the outset to say that a lot of thoughts have gone through my mind this morning because towards the end of April 1977 we also gathered, the representatives of the Five countries who are here today together with South African representatives, in this very same building. In a way I feel a bit lonely, because of those who started these discussions it is virtually only myself and Dr Brand Fourie who are today represented here.

Dr. VERGAU: Mr Minister, may I remind you that I was also present (Federal Republic of Germany) at that time.

MR BOTHA: Yes, that is correct. I say this because to me it means this: that despite the change in personalities the ideal has survived and continues. This is important. The idea or the purpose or the objective is to find a solution to this vexing problem. You will say that this issue makes life difficult for your governments at the United Nations and elsewhere. I assure you that it makes life even more difficult for my Government. We really would like to solve this problem so that it can be removed from the international arena. But having said that, it is my Government that will have to pay the price if it is

removed from the international arena in such a way that we do not enhance the prospects for peace in Southern Africa but increase the conflict. Then of course, as far as my Government is concerned, this exercise would not only be futile but would be dangerous for us, the South African Government, to engage in such a process or become a party to it.

I do not say that you require my Government to be put in such a position. I take it that we all share the objective of trying to resolve it in such a way that we will increase the prospects of peace and stability for the whole of Southern Africa. We accept that that is your purpose and objective. We may differ on the methods, the particular methods, to be applied to achieve this purpose. However, before I continue, is there anybody on your side who would like to make any comment, any observations, at this stage?

SIR LEONARD: I don't think so, thank you very much, Minister. We do have a little speech which I should deliver to you somewhere very near the beginning.

MR BOTHA: Then why don't you go ahead?

SIR LEONARD: Shall I go ahead and do that now? In thanking you very much for your welcome and agreeing as we do that the objective is to bring peace to the area - on behalf of my colleagues I wish to explain that, as announced by our Ministers in New York following their meeting of September 24th, we are here to begin consultations with you which our Governments, as yours does, hope will lead to an early and peaceful solution for the Namibian problem. As you know, our Governments have reaffirmed their determination to

pursue their efforts to resolve the remaining outstanding issues in co-operation with you and the other parties concerned. Our purpose is to begin implementation of Security Council Resolution 435 in 1982. We hope to begin a process through our consultations with you which will lead to attainment of that objective.

And I would just interject here that we began the process in effect in Lagos on Monday with the President and Foreign Minister of Nigeria, continued to Luanda where we met Mr Nujoma and colleagues from SWAPO on Monday evening and on Tuesday morning we met President Dos Santos of Angola, his Foreign Minister and other colleagues, and now we are here to continue the process here and to go on to Windhoek this evening. Our aim is to attain the objective of implementation in 1982, through these consultations. We recognise that we collectively, as you have already indicated, have been pursuing the Namibian negotiations for a number of years without reaching the desired conclusion. We also recognise, however, that a peaceful internationally acceptable solution to the Namibian problem is ultimately the only viable solution and that such a result is in the interest of South Africa, the people of Namibia and our governments and of Namibia's other neighbours in Southern Africa. We firmly believe that such a solution will make a major contribution to the long-term stability of the region. With this in mind we believe that the time is ripe to move forward to a settlement. This view was reflected in a message which our Ambassadors delivered to the South African Government on September the 12th in Cape Town in which we conveyed our understanding that subject to the resolution of the outstanding issues of the size, composition and deployment of UNTAG,

constitutional principles and impartiality, Resolution 435 remains intact. We were grateful for your prompt response at that time which enabled our Ministers to consider the matter in detail in New York on September 24th. Our governments were all glad to agree that your message of September 23 provided the basis for us to move on to the next stage in resuming negotiations. Our presence here today is a reflection of that fact. We share the sentiment in your message that we should move forward as expeditiously as possible. To do so we recognise that there are outstanding issues, as we stated in our message of September 12th, which must be resolved. We believe that the phased process which has been proposed is an appropriate framework in which we can resolve these issues. In phase one we intend to begin with the issue of the constitutional principles and procedures which will guide the deliberations of a Constituent Assembly. We already have our paper on this subject. We need your reaction and as you know we are going on to Windhoek this afternoon to discuss this subject with the internal parties. In the second phase we hope to reach agreement on measures which would ensure in the minds of all that the plan will be carried out impartially as you know, this subject was discussed to some extent in Geneva - the size, deployment and composition of the military component of UNTAG and related issues under Resolution 435. Phase two will conclude with the resolution of these outstanding issues. Phase three would subsequently commence with your agreement, agreement of the Government of South Africa, to a specific date in 1982 on which implementation of 435 would begin and would include the actual implementation process itself. The Five wish to make it clear at the outset that the acceptance of

our constitutional suggestions by the parties would be contingent on subsequent agreement on the other issues to be considered. We are proposing that each of the political parties which would wish to contest elections in Namibia pursuant to Security Council Resolution 435, make a public commitment that it accepts these Constitutional Principles as the basis upon which the Constituent Assembly would conduct its deliberations. Secondly, we envisage that these commitments by the parties should be sanctioned and confirmed by the international community. This could be achieved by the UN Secretary General incorporating the commitments in a report to the Security Council and the Security Council approving the report by a formal resolution as it approved the Secretary General's report on the Five's settlement proposals. The Five believe that those involved in the negotiations may wish to consider an arrangement which would ensure the peaceful future and genuine independence of Namibia and which would also contribute to the stability of the region. We are not seeking to impose these ideas but we would be ready to help the parties come to an agreement if you so wished and we shall leave some ideas with you for consideration. I would like to come back to that point in a moment, because we want to consult with you on this particular point. A difficult road lies ahead. Nonetheless we believe we have the basis to proceed and that the process we are suggesting will permit prompt resolution of the issues. We are well aware that the process will not be easy. However, our presence here today is an affirmation that we think it can be done and we ask your help and co-operation in this effort and we look forward to hearing your views and questions about the paper on Constitutional Principles which we handed over

recently. But if I could go back to the reference to suggestions about the peaceful future of Namibia, we have a bit of paper here outlining our ideas. We don't give this the same status as the Constitutional Principles paper, this is just a suggestion which, if it is put forward by the people, could be adopted by one means or another. But there is a specific problem. We have given it to the other people we have seen but we are concerned about the procedure with the internal parties in relation to this paper because the Constitutional Principles appear to have leaked in Windhoek and have gone into the press and we don't think it will be helpful for this particular paper to be leaked and we wondered what thoughts you might have about how we could handle this matter. I mean you might like to think about this and we could come back to it later, but one idea could be that perhaps you could discuss it yourselves with the internal parties later. Our only concern is confidentiality. My French colleague would like to say a word about the thinking behind the paper concerned, but there is this problem. No doubt it is with the internal parties. Now would you like to deal with the Constitutional Principles first and will we come back to this later or shall we proceed with this point?

MR BOTHA:

Could you just give me one moment? It is not that I consider the document containing your principles, your Constitutional Principles, as of no importance but in comparison with what you have just handed us now, I think that you must allow me first of all to ask you certain questions on this paper.

SIR LEONARD: Minister, would ... perhaps if my French colleague gave you the explanation of what the thinking behind it is?

MR BOTHA: Certainly.

SIR LEONARD: And then you fire at us.

MR BOTHA: Thank you. Of course my first reaction is that this is a very important document. I will mislead you if I say that it is totally unknown to us. You leaked, not you personally, but the press in Europe, contained reports a little while ago which were more or less in line with what is written in this document. At the time I did not know whether the press reports were based on sheer speculation or on something substantive.

M. AUSSEIL: Yes.

MR BOTHA: Well, our press reported it. They got it from papers in Germany, France, Canada, all over. I don't say you leaked it, but we read it here in our papers that that was what you were contemplating. But now is the first time that I see it in this form. I say that this document, this is my first reaction, without having studied it, that this document is perhaps of greater importance to us than your constitutional principles on Namibia, because I see in this document the possibility of applying this kind of arrangement or understanding or agreement, to the whole of Southern Africa. That's why I say that what is written here is of greater importance, because if we resolve the Namibia situation or problem only, we shall

not have resolved the threatening conflict in the whole of Southern Africa. Our purpose is, yes right now, is to resolve Namibia, but we cannot resolve Namibia if we are merely to create other problem areas in our relations with say Zimbabwe or Mozambique or for that matter other states surrounding us. Because Namibia will then again be drawn into the maelstrom - the conflict situation. That's why I say this document, if I look to the future, is perhaps of greater importance to me from a subcontinental point of view than your constitutional principles on Namibia, because your constitutional principles on Namibia may serve as a basis to resolve that particular issue but this document may serve as a basis to secure peace and stability in the whole of Southern Africa including Namibia.

Now after I have said that, may I ask, because this will be of great interest to my government - the concept of non-alignment in paragraph one; I hope that does not mean the alignment of the non-aligned as we are experiencing in some of the conferences of the non-aligned nations. I take it that your concept does not refer to that kind of alignment of the non-aligned. Am I correct in that supposition?

SIR LEONARD: Well, perhaps if Monsieur Ausseil gave you the introduction on this and then we can take up this specific point ...

MR BOTHA: Can I continue then with a number of questions? Not to make it difficult for you - because as I've said this document is of great importance

to us. There is a further point I would like to raise. I trust that the phrase, "refrain from the unlawful threat or use of force or from any other act inconsistent with the purposes of the United Nations Charter", does not mean that the United Nations Charter is to be interpreted in such a way that South Africa can be lawfully threatened.

Paragraph two: I assume that the phrase "in accordance with international law", that is the first sentence - "The State of Namibia will live in peace and develop friendly relations with other states in accordance with international law" - that international law does not mean the so-called "law" or practice of the United Nations, but international law as it is understood in the normal traditional sense of the word as the law created between nations in terms of treaties and bilateral treaties and multilateral treaties subscribed to by all the parties and in the sense that a party that is not party to a treaty cannot be considered to be bound by that law. In other words law cannot be created for a party against the will of that party. Furthermore, the phrase - "It will therefore not permit organised activities within its territory directed towards the commission of any act of aggression or any other act which involves an unlawful threat or use of force against any other state" - that that phrase "within its territory" includes the passage through its territory of subversive elements aimed at another state.

SIR LEONARD: You are trying to tie it very tight.

MR BOTHA:

No, I'm not. I think I am merely elaborating to clarify. Whatever I am asking from you by way of interpretation, I am willing to concede to you as my Government's point of view.

And paragraph three - "The State of Namibia will not permit within its territory the installation of foreign military bases or the presence of foreign military units" - Now that phrase not only includes Soviet forces or Cuban forces but also so-called forces of any political party opposed to the South African Government like the ANC or PAC. That will be, as far as we are concerned, a foreign force vis-a-vis Namibia, because they are foreigners to Namibia, they are not Namibians. I am putting these views not to shoot down the document, but I am putting these questions to strengthen the document. Gentlemen, it is indeed of great importance to us that Southern Africa must decide to put aside ideological differences - they need not agree on them - but we must decide to put aside ideological differences and decide to do what this document in my opinion intends doing in the case of Namibia. I agree, you have proposed it in the context of Namibia. I know. But I repeat: would it not be in your interests if this document could form the basis of an understanding between all the states of Southern Africa, because after all we are also a Frontline state. This is of extreme importance because some of the states surrounding us now accuse us of acts which they say are intended to destabilise them internally. We accuse them of allowing subversive elements foreign to them but aimed at us. It is going to

become a very difficult task for the Five to sort out all the claims and counter-claims. Yet all of you in some form or another have a real stake in the preservation of peace and stability in Southern Africa. I think you all have that. We have it and I think the individual states also have it. Now it is going to be an impossible task for you to become continually involved in the charges and refutations of the various states of Southern Africa. Believe me that it is not a situation of black versus white here. I give you the assurance that at least some, and more than one, of the black states surrounding us are concerned about the escalation in subversion. They might not complain to you, but they have expressed their concern to me about the threat which subversive elements in the states bordering on them pose towards them and they have even gone so far, and I say this now in great confidence to you, as to come and solicit or endeavour to solicit, assistance from us should the threat against them increase. So we have a real danger of a conflict situation developing in Southern Africa which would engulf the whole of Southern Africa including Namibia, and would then eliminate and eradicate whatever progress we made or would have made in regard to Namibia. Unless the governments of Southern Africa now decide that the one thing that they cannot afford is war, and I believe they cannot, not us, nor Mozambique, nor Lesotho, nor Swaziland, nor Botswana, nor Zimbabwe nor Zambia - the drift towards conflict could become inevitable. South Africa has, not relative to your strength but relative to the strength of the countries surrounding us, sufficient power to resist for

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a prolonged period a conventional onslaught against us and a subversive one. So what must happen here is that the leaders of Southern Africa must be brought to understand that there is only one way to prevent this almost inevitable move towards the precipice of conflict and that is to accept and implement a document of the nature before us this morning. If that can be done, we will not only resolve Namibia, we will resolve a far greater issue and secure the success of a Namibia solution. So it is an appeal actually from our part that you should seriously consider to persuade the states of Southern Africa to subscribe to a similar arrangement in respect of the whole of Southern Africa, also in the context of securing a Namibian solution, strengthening the chances of security, lowering the tension and the suspicions and the mistrust, eliminating the accusations and possible acts that are being planned and perpetrated across borders. If that can happen we would have achieved a far greater ideal than the solution of the Namibian problem. I will stop now. Maybe you would wish to make some response at this stage. Sorry, may I just ask my colleague, General Malan: Did you have any comments?

GEN. MALAN: I agree, but I will even go a bit further, Mr Chairman, by saying that the reference to the state of Namibia should include Southern Africa. Well, I wouldn't know whether the Contact Group think in terms ...

SIR LEONARD: I think we must not run before we can walk. I can understand that this has a great attraction for you and if it does indeed provide a principle

which could lead on to wider things, that's splendid, but I think we have to achieve it in relation to Namibia first and then perhaps others can follow on a wider basis. But this paper, this is its first flotation. We don't have reactions from the other people involved yet but could I ask ...

MR BOTHA: May I just, please. General Malan has touched on a very important point. In dealing with Namibia would you not be prepared to see the relevance of our concern that an end to the conflict in Namibia might bring about a situation where the relevant Soviet power and assistance in that area is merely transferred to Mozambique and Zimbabwe; would you not admit that that is a real concern on our part? That you are merely, and we are merely exchanging a war in one part of our region for one in another part of our region. That might affect our willingness and our psychological approach towards resolving the Namibian issue.

SIR LEONARD: No, that is not what I have said, Minister, I said it is grand if it can be extended, but you know this is --- first we have to get it for Namibia if we can. Then obviously perhaps it could be done. But I think, Dr Crocker, you wanted to say something on that point.

DR CROCKER: Well ...

SIR LEONARD: Monsieur Ausseil first.

M. AUSSEIL: First of all, Mr Minister, I have to say something on the text we prepared together, about this paper of course. The Five believe that

the parties may wish to consider voluntary undertakings to ensure the peaceful future and ensuing independence of Namibia and which would also contribute to the stability of the region. The proposal of the Five is that political understanding should be reached among the parties concerned in Namibia and its neighbours. This could include reciprocal assurances of non-interference and non-resort to force. This could be covered in a Declaration of Principles of the United Nations Charter and the Declaration on Friendly Relations between States contained in Resolution 2625.

The Five believe that the parties may wish to take the initiative in coming to agreement entirely on such a proposal. We are not seeking to impose our own ideas, but we would be ready to help the parties come to an agreement. The Five are not attached to any particular form for carrying out these understandings. One way might be for the parties to inform the Secretary General of their agreement as a principle. These understandings could then be incorporated in the report by the Secretary General for endorsement by the Security Council, but other ways might also be used. All international agreements, including for example signature of the United Nations Charter, are a voluntary limitation of the signatories' freedom of action accepted in exchange for wider benefits. This is what we are asking the parties to consider. We would welcome the parties' reaction to this idea.

Secondly, I would like to say that our idea was in effect to reach some return of the peace

of the whole area. Of course this paper is not of the same nature as the paper on the Constitutional Principles. I mean it is just an idea, a first paper on it to think over and to hear the reaction of the parties. About your observations about the text itself, I think we have time and opportunity to think about your observations, your suggestions. Maybe it is a bit too soon to think very closely on the text of it, but we are waiting for your ideas after the reactions of the other parties. I think you will agree it would be better to have the first reaction and afterwards to go forward in the real study of the text.

MR BOTHA: Fine. I thank you very much but consider then my questions as observations and/or points of interpretation consistent with the text of this document.

M. AUSSEIL: I understand.

MR BOTHA: That is the first point I want to make. You know, although it is quite clear and you made it clear that this document has a different status from the document containing your constitutional principles, once an idea has been proposed then the question arises what will be the case if it is not accepted. Bear with me. Should the Frontline States now shoot down this document - it doesn't matter what status you accord to it, you can call it a non-paper if you like - but once it is out, the question is what will be the effect of not accepting it. It is like this: once you've told a girl you love her you have to act accordingly. Now, once you've done this, and you

have now done it, then if the other parties I don't know whether you have handed it to other parties already

SIR LEONARD: Yes, we have, Minister.

MR. BOTHA: Well, then the bird is flying and the point now is: if they shoot it down then how will we interpret their repudiation of it? We will interpret it - the people and government of this country - as indicating that they stand for the opposite of this document; that they there are in favour of subversion and conflict. They are therefore in favour of the use or threat of force, they are in favour of allowing foreign forces, they are in favour of threatening us with the use of force. You see this is the problem. It doesn't matter what status you accord to it. It's the reaction of the other parties now that counts. If they now do not accept this, it will create severe problems.

M. AUSSEIL: But we hope it will continue to fly.

MR BOTHA: Certainly. You have covered yourself by saying that it has a different status from your constitutional principles. I understand that. That was your way of saying: "Look, if no-one accepts it, the Five are not bound by it." This was merely a helpful step on your part to assist and facilitate a solution on Namibia. But I am telling you what the effect will be if it is not accepted. The effect will be that the opposite is the case.

If you say to us that the status is different from your constitutional principles, that you leave it to us, that you leave it to us to

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discuss this with the internal parties in the Territory, and that you do not ask us to do so immediately, then we can acquiesce in your sentiment.

SIR LEONARD: We have this problem, really, that, despite the leaks you have referred to earlier in Europe, it was not a paper then and it certainly hadn't been endorsed and certainly hadn't been handed to anybody. Well, now ...

MR BOTHA: To nobody?

SIR LEONARD: At the time it was made.

MR BOTHA: No, no, no. I am talking about now.

SIR LEONARD: But now it has. It will be handed to all the governments of the Frontline States as well as yourselves and it has been given to SWAPO and we had intended to give it to the internal parties, but with the leak of the Constitutional Principles in Windhoek so very promptly, we are now reluctant to risk this document getting into the press just like that, straight off. And this is why we are very keen to have your ideas of how to overcome this problem. I mean, is it something you could discuss with them later? Is there some better way we could handle this one? I mean, it probably will leak ...

MR BOTHA: Yes. Do I understand you correctly that you have handed this document to us. Secondly, it is your wish that it should not be handed to the internal parties immediately?

- DR CROCKER: As long as we are not later accused of being partial towards a ...
- SIR LEONARD: This is our problem. We want to treat everybody fair and square and have the same information given to them, but here we have a slight problem over the internal parties.
- MR BERGBUSCH: Is it your counsel that we hand it over to the ..
- SIR LEONARD: We don't want to blame you. We promise not to blame you afterwards.
- MR BOTHA: Can I put it this way. You have so much to discuss on this round and I notice you spent a whole day with SWAPO.
- SIR LEONARD: No, we didn't.
- MR BOTHA: You said you met with SWAPO on Monday.
- MR BERGBUSCH: We arrived at ...
- SIR LEONARD: No, we flew from Lagos to Luanda ...
- MR BOTHA: I am glad to hear that.
- SIR LEONARD: And spent part of the evening with SWAPO.
- MR BOTHA: It will create negative feelings if it is true that you spent the whole day with SWAPO while you are spending a whole day with 12 parties in Windhoek.
- MR HAAS: Mr Minister, I think we spent about 35 minutes with SWAPO.
- SIR LEONARD: It was a very short meeting.

MR BOTHA: I have no more to say about it. The point I want to make is: you have, am I correct in saying, that you have so much to discuss and so many parties to see that you will be short of time. It cannot be my decision that you should not hand it to the parties. Please, gentlemen, I must ...

SIR LEONARD: No, in fact ...

MR BOTHA: It cannot be my decision.

SIR LEONARD: No, in fact, what we have ... We are very happy that you should discuss it with the internal parties if you so wish in due course.

MR BOTHA: No, but we must understand each other correctly. I must be in a position to say that at this juncture it was your wish that we should in due course, when there would be sufficient time available, take it up with the parties.

SIR LEONARD: That's agreed (whole chorus "Yes").

MR BOTHA: Thank you. I must revert to this document. You need not discuss it further today. I would like to appeal to you that in the days ahead of you when you also might have more time, I appeal to all Five of you, to give serious consideration to what we call the arithmetic of Southern Africa. The arithmetic of Southern Africa in this sense. What is the economic future of the states of Southern Africa? Even under circumstances of total peace? Southern Africa will have an extremely difficult time to get off the ground economically. Please consider this. Even if we have complete stability,

even if we can achieve this, it's going to be an enormous task requiring funds, efficient transport systems, telecommunication systems, health services, food production, industrial settlement, all these very important elements that will be required by Southern Africa. And the most important element is stability and peace but quite apart from this we are going to require - all of us - a lot of funds, a lot of patience, a lot of planning and many years ahead to implement what I would call real purposeful economic growth with benefits for all the peoples. But under circumstances of conflict, really, gentlemen, there is no hope. Every country will be set back decades to come. The present drought in South West Africa, the present drought in Namibia, is taking a toll of such an order that it will take the farmers, even under conditions of peace and with funds coming along to assist them, ten years to build up the stock they had before the drought started. You take Zimbabwe. Even with the removal of sanctions that country finds itself in severe problems ... severe ... in recapturing markets lost, in renovating their transport system, their telecommunication system, etc. They are in severe trouble as far as the repayment of loans are concerned and they need more funds, and they need funds not for a year, not on the basis it is allocated in your budgets for a year. They need to have assurances for 5 years, 6 years, 7 years, because otherwise you cannot do planning. In your countries you have the post offices, you've got the trains, you've got the ports, you've got the clinics, you've got the hospitals, you've got everything. In this part they are not there. In other words, what I am saying to you is unless we realise

the enormity of the task in Africa, there is no hope. Then we, with respect, gentlemen, are bluffing ourselves into believing that we can resolve Namibia and will have peace. We won't. My appeal to you is to take this into account in the days ahead.

SIR LEONARD: Thank you very much, Minister. I think Dr Crocker would like to add a word.

DR CROCKER: Mr Minister, I appreciate very much your remarks. I did want to say a thing or two. I think many of us at this side of the table share the view that we are at a turning point in the history of Southern Africa. We also want to see this whole operation succeed, and we, on our side, are firmly convinced that the phased process step by step which protects each party's interests as you go down the phases, makes a lot of sense. We are not going to accept the initial reactions of any party as their final word on the subject until a full negotiating process is complete and we would urge your Government to look at it the same way as, I think we understand each other, would be the case. Thus I would, to speak for my Government, urge that yours not prematurely react to African reactions we do not have yet, kind of thing, on this, and that we wait and see and the best chance for something like this which is very ambitious - it is an ambitious document, but fully consistent with the realities of Southern Africa and with the challenges that we face - the best chance for it to succeed, is precisely if we don't overdo it at the outset. Overdo it in terms of the scope of the effort - this is basically a Namibian proposal - and overdo

it in terms of it becoming something that you embrace prematurely, as you have said that you would not do. The spirit of what I am saying is that it is foreseen within our phased concept and give this a chance to fly and that means taking it one step a time and focussing this principally on Namibia. The point being that if it works, it creates a precedent. It is a useful step which might enable a more ambitious view for the future. But we have to prove to all the parties concerned, many of whom as you have indicated, Mr Minister, are desperate. The country we just came from is desperate. There are others who are desperate in this region. We have to prove to them that we, and by "we" I mean your Government, our Governments and the Frontline are capable of creative actions. There has not been a hell of a lot of it in the recent history of this region. Let's start with one finite beginning. That's an appeal in response to your appeal.

MR BOTHA:

Well, thank you, Dr Crocker. I certainly take to heart what you have stated here. As far as we are concerned, I don't think that you will find that we will embrace this document in public to start with. We will discuss it with some of the parties in Namibia, but you must take into consideration that if the other states bordering on Namibia are not prepared to subscribe to this, then I must say to you that you will find the South African Government very reluctant to go ahead with the present process. The last thing I am going to do is to mislead you. Unless there is an incentive for my Government in achieving a solution for Namibia, we will not be able to

be prepared to do so. We cannot simply be prepared to move ahead with a solution which is ..

SIR LEONARD: Don't blight our effort right at the beginning, Minister.

MR BOTHA: No, no. Apart from this document, even if you did not produce it, let me make it quite clear it would be foolish of me to try and put you in the corner because of a well-intended effort on your part. It is not going to help me with a view to the future. We've got to look to the future of the whole of Southern Africa. So it is not going to help me to try and make life impossible for you, although I might like to, but it is not in my interest. The point I want to make is a broad one that we have made before to representatives of all of you present here. The players were different, but the point is the same. We have throughout stated bilaterally and multilaterally that if this war is merely to be exchanged between the Kunene River and the Orange River, we are simply not prepared to go ahead. We have been open about it. This is not a secret. If you were in our position, you would have done the same. You would have done exactly the same. There is no way that we will be able to explain to the South African public that we have withdrawn voluntarily to the Orange River to fight a war from there. No way. So, please, this is a very serious point. Forget the document for a moment. Let us forget for a moment that you ever submitted it to me, then I say to you that this is a point that I would have raised here this morning with you as one of the most important ones. You talked about greater confidence. There was a total lack of confidence

between us. I want to be straightforward about it without becoming acrimonious. We profoundly mistrusted each and every one of the Five a year ago. We mistrusted your intentions, your motives, totally. We must be able to trust each other. This effort and the way you are now conducting these negotiations are building confidence. You are building confidence. Without that ingredient we have no hope. But you will destroy that ingredient if there's to be any doubt in our minds that this effort will have one result and one result only, and that is to move the war from the Kunene River to the Orange River. I am saying this openly to you, because you are entitled to my thoughts - to what is in my mind.

SIR LEONARD: No, we appreciate your frank exposition and I agree with you. I think if a principle can be established which can be extended to some other areas to achieve total peace, as you might say, that will be a very worthwhile outcome of the whole thing, but we're only just beginning and I think we would frighten the birds away if it got about at the beginning that it was in mind that what was this particular thing for Namibia was going to be broadened as it were.

MR BOTHA: Let's turn to Namibia. If it is true that Angola finds herself in dire circumstances economically and otherwise, and I believe it is, if it is true that Botswana is very anxious to have peace, if it is true that Zambia finds herself in an economic retrogression and Zimbabwe is confronted with numerous problems and Mocambique and Swaziland, and

if it is true what the Botswana Foreign Minister told me and the Swazi Foreign Minister and the Lesotho Foreign Minister and if it is true what some of these other states, without identifying them, have told Dr Brand Fourie the past two weeks, then certainly they can accept this document which could form the basis of peace. But if it is not true, then they cannot, you see.

SIR LEONARD: Well, we are going to give it a try and we hope for the best. We note your partiality for it and the details as you've said can be gone into in due course.

MR BOTHA: That is fair. Could I immediately proceed with your other document?

SIR LEONARD: Constitutional Principles?

MR BOTHA: Yes.

SIR LEONARD: Right.

MR BOTHA: Without implying that the other paragraphs of your constitutional principles are not important, or that we are completely happy with it, I must, because of the importance of paragraph 8 of part B start with that paragraph. That paragraph at present is threatening progress towards acceptance of your principles. I have a duty to raise it because you are going to find severe opposition to this paragraph in the Territory. Quite apart from my own sentiments, you will encounter severe opposition to paragraph 8. I am saddened that that paragraph appears in this paper. The Prime Minister,

General Malan and myself went to South West Africa recently (17-19 October 1981) and we had a long and what I consider to be a very fruitful meeting with the National Party there. The National Party is now led by a new team under the leadership of Mr Kosie Pretorius, who is a pragmatic straightforward man. The Prime Minister and myself, inter alia, in an attempt to pave the way for you, presented to the National Party a broad outline of what we thought you would suggest. With one or two exceptions as regards the rest of this document, paragraph eight is the one that cuts across, that virtually repudiates, what we told them. Not in a direct sense because we were not aware of Eight. Thus far Eight would have been formulated in this way, that discrimination based on colour will be eliminated and that is difficult enough for some of the parties to take. May I say to you that in the South West Africa case before the World Court, the issue of discrimination played a vital role and attempts were made by Ethiopia and Liberia at the time to define apartheid. This became very involved and led to a long and complicated juridical argument, and that is why I have some knowledge of this subject. We eventually proved to the court that the definition proposed by Ethiopia and Liberia could not hold, that the court could not confirm it without creating ridiculous results, because their definition was very much like yours. Theirs was to the effect that no allocation of rights, duties, privileges etc. could be made on the basis of sex, colour, religion or class. What we then did was we took the constitutions and practices of 17 Moslem states to prove to the court that in terms of juridical instruments

and practices in those countries there was discrimination on the basis of religion and sex. We also took the Soviet constitution. We had witnesses from other countries. We had witnesses from each of your countries - professors, academics - and eventually nothing was left of that definition. Now I am saying to you as Eight stands from a juridical point of view, there cannot even be a men's club in that country. There cannot ... there cannot be a Moslem church in Namibia as Eight now stands, and I am prepared to prove it to you. So with respect, Eight looks like punishment. It looks like a detail that must have been created for a specific purpose and I'll be damned if I know what exactly that purpose is. I have a rough guess. I'll be pleased if I am wrong. I think that the Five of you must have decided: "Look, if we move along, the Whites might be very clever. They will come along after independence or before independence and they'll say all right, we will create private schools and private clubs and hospitals and clinics and similar institutions. The whites there will group together and the NP will say they want their own schools and colleges and clinics and hospitals and towns and townships. So what must be prohibited should be all inclusive to make clear to them that this was not going to be allowed". You probably thought along these lines when you decided to insert paragraph 8. To say private cultural, social, health and educational institutions will be open to all without discrimination means that there cannot be separate toilet facilities for men and women.

SIR LEONARD: There is a move to unisex, but that is not our intention.

MR BOTHA: Not yet here. Gentlemen, Eight is hurting us. The Prime Minister, General Malan and myself really thought that for the first time in years, we could consult with the National Party in an atmosphere of mutual trust. We are prepared to pay a price, but it must not be too heavy, not too heavy. Now Eight, with Eight you are really making life difficult for yourselves and for us. I am trying to persuade you that Eight is a severe stumbling block without really achieving your purpose. Your purpose could in my opinion be served by what was agreed in 1978. The South African Government agreed in 1978 that discrimination based on colour would be removed. But private, cultural, social, health and education institutions! Do you know what their reaction will be? That you just want to root out everything. You are now coming into the privacy of the individual. Well, then you must forbid SWAPO because SWAPO is exclusively ethnic.

SIR LEONARD: Well it's up to the Constituent Assembly who have adopted these principles to do that.

MR BOTHA: So far our purpose has been to persuade the parties to act judiciously and to be reasonable. We told them that part B of your constitutional principles would only be relevant after the stage envisaged in part A is completed. They can then put their own interpretation on your constitutional principles, except perhaps as far as paragraph 8 is concerned. But the point I want to make is they must first win A.

They must first win A, because they can only get to B after A. That is why it is so much more to be regretted that paragraph 8 was inserted. This paragraph creates suspicion as to your motives. You are going to require us and the parties to either accept or reject this. Now, if we reject it because of Eight, would that not be a pity?

SIR LEONARD: Let me bring you a message of hope. We are not all evil and bad and full of wicked thoughts, whatever you may think.

MR BOTHA: Yes.

SIR LEONARD: These are suggestions. These are the wording of these principles. We have said this to everybody and we say it to you. We mean it. These are suggestions and we are very open to advice on improvements and amendments. This is after all a bargaining process as it were. We are travelling round and talking to everybody and comments are being made on these principles, or will be made when people have had more time to study them, and we are very glad to have your comments on the problems which you see in this one and we are very ready to take note of them and see what can be done. I think Mr Haas would like to say something.

MR HAAS: I would like to make a few remarks on it. First of all I agree with what Sir Leonard says about what we have put on paper - but I may say I think it is a good effort, a very good effort. Still it is a draft, it is a suggestion and we have said to in other capitals

too and we will go on to say this is not the Holy Scripture. We can't write the Holy Scripture. What we tried to do is to find, not the lowest, but the highest common denominator for the rules of the political game to be played in Namibia after independence. The highest possible common denominator which we think might be acceptable to all. And before drafting this paper we listened, of course, to as many people as possible and we read as many documents as possible to see where the highest common denominator might lie. As regards this article, we have had suggestions. And I am very frank. We have had suggestions from the German community in Namibia which said: "We want to maintain our private institutions - the German school."

MR BOTHA: That's a strange way of doing it - very strange.

MR HAAS: ... and we thought that that was a very valid concern. Mr Minister, you read the article correctly. You read it very correctly. What it's really about is non-discrimination on the basis of colour that is what is behind it.

MR BOTHA: I have never seen such a formulation before.

MR HAAS: Taking your comment into account I see ways and means of making that clearer. There would be a second draft which I wouldn't want to draft because I am not a lawyer but we have the lawyers, that would bring this point out clearly in a fashion which would accommodate everybody because looking forward into the future of Namibia I think that schools, hospitals, should be open to everybody without regard to their colour. I am not suggesting that the Catholic Church accept Protestants,

I don't accept that a men's club accept women, that's not the idea.

MR BOTHA:

No, but you see in the territory of South West Africa, due not to any ideology but to the natural affinities of people, I am suggesting that you may find a situation, and you can test it, where for instance a Bushman patient will be extremely unhappy in an Owambo hospital. Now you can tell me: "Then we force them", but I am saying to you that I hope that that is not your purpose. These matters can be dealt with in a manner which should not arouse racial feelings. There is today a law in the Territory outlawing racial discrimination. It is difficult to implement it. We are interested in positive results alone and should avoid disruption. We can achieve those results. I am only asking: "Let us not go about it in such a rough way". I don't say you intended it to be a rough way but you are setting up ...

MR HAAS:

Do you see the philosophy behind it?

DR FOURIE:

Is there any constitution that you know of, Mr Haas, where you have this kind of thing in a constitution?

MR BOTHA:

It sticks out. We can't explain this paragraph. We can't explain this to anyone. You know that even some of our most liberal-minded people here would not be able to understand it. Our most liberal-minded people in this country would not be able to understand it. It sticks out like a sore thumb. We don't understand why it should be there.

- SIR LEONARD: I think we ought to look on the bright side too, Minister, that if you accepted all the Constitutional Principles without any difficulties, there'd be a grave suspicion abroad in the rest of the places we went ..
- MR BOTHA: I can put your mind at rest. It's not going to be such an easy ride.
- SIR LEONARD: They'd be extremely worried if it was. Anyhow we take note of this. Seriously, we are very glad to have this comment and obviously we are going to catch it hot and strong in Windhoek ...
- MR BOTHA: What is the time? If you so desire, then I can endeavour to arrange for the Five leaders of the Five to accompany me and General Malan, just to say hello to the Prime Minister at 10 past 12, should you be interested in doing so.
- SIR LEONARD: Well, I am sure we would very much value that opportunity.
- MR BOTHA: Thank you very much. Now can we continue. Paragraph 1 of A: You use the phrase - "the Constituent Assembly should be elected so as to ensure fair representation on that body to different political groups representing the people of Namibia". Paragraph 2 we accept.
- SIR LEONARD: A2 is OK.
- MR BOTHA: We would have preferred a majority of 75%.
- MR HAAS: We'll take note of that.
- SIR LEONARD: There's enough blood on the floor amongst the Five.

MR BOTHA: No, not without reason, for there's a reason. Otherwise you have no hope, even if we agree, to maintain the stability that you desire. It doesn't matter how many times you and we should agree around the table, our agreements would not ensure peace. Peace will depend on the people in the Territory. Even in Zimbabwe where Mr Mugabe won with 80%, he is now experiencing severe problems within his own ranks. I can point to other parallel situations in Africa.

SIR LEONARD: Para 1, you mean.

MR BOTHA: Para 1. I raise it with you in an attempt to help you to prepare yourself for your discussions in the Territory.

SIR LEONARD: (Pointing towards Dr Crocker). It's going to be his pleasure to lead there ..

MR BOTHA: He has lost some weight. He will lose some more.

DR CROCKER; I'll take on SWAPO D is I lose some more.

MR BOTHA: I think you will have a fairly smooth ride with the smaller parties as far as A1 and 2 are concerned, except with the HNP. We consider two parties of particular importance in that territory, although when the Prime Minister and I go there we meet all of them, and that is the DTA and the NP. Now the DTA because of their country-wide support; and NP because it is the majority party of the Whites and that is of political and economic importance to the future of the Territory. The National Party is against an election taking place on a one man one vote basis. Their argument is not without merit.

Our point of view is that this Government once agreed that there could at least be one test of public opinion on a country-wide basis and we cannot renege on it. It is not a popular point of view but all right, that is a fact. An important question arises out of the history and the demographic statistics of the Territory. The Whites constitute roughly 9% of the total population. Together with the coloureds, and the Rehoboth Basters, they constitute even more because you might find in the end that the Basters and the Coloureds will group together with the Whites. And among the Herero, and possibly the Damara and a section of the Nama and the few Tswanas and certainly the Bushmen ethnicity still play a role. A proportional election will at least ensure to the Whites that they will get the number of seats which their numbers warrant. To supplement this form of representation by regional or minority representation will not benefit the Whites as such. However Resolution 435 can be strengthened and the possibility of success enhanced if some assurance can be given to the minorities that they will be represented in the Constituent Assembly. It is wide enough to include the appointment to the Constituent Assembly of say a number of delegates of each minority group. Each minority group. It cannot be claimed that that favours the Whites because they actually lose out. Their numbers are greater on a proportional basis than they are on a minority group basis. On a minority basis they are one out of 11, on a country-wide basis, they are one out of nine or 10, so my first argument to you is it cannot be claimed that such a mechanism will favour the Whites. It does not. It favours

the Black peoples. That is a statistical fact, but it will, in my opinion, help to overcome your concern and ours for the minority problems, minority fears, so that minorities can be heard in the Constituent Assembly that must decide the form of government of the future Namibia. You will be confronted with serious questions on this subject as we were, the Prime Minister, myself and General Malan a few days ago, on this very subject. For instance, we assured them that Bl, that "unitary" state you mention does not mean that a federation is excluded.

SIR LEONARD: That is the point that Nigeria has raised too.

MR BOTHA: Certainly you cannot exclude it because here in this part of the world, that concept, the concept of a unitary state, because of our particular political idiom, a unitary state is often associated with something which is not a federal state. But we told them: "Look, you can decide in your Constituent Assembly on any form of government, but you will have to embody certain basic principles that the Five will come to propose to you. That will have to be embodied in your constitution in your interest and those principles will encompass certain fundamental rights which we thought they could agree to, and which are now inherent in your constitutional proposals except for those parts which are obnoxious. But apart from that we said the form of the future government of the state would be in your hands. If you want a federation consisting of four states, three states, six states, it's up to you. You decide it in the Constituent Assembly and then you can become independent

on that basis. That we told them. And that is not inconsistent with your constitutional principles.

DR FOURIE: Minister, it is not that there should be four separate states ...

MR BOTHA: No, states in the sense of the United States of America. In Canada, where are my Canadian friends? They have a federation. The word state is used for the "länder" in Germany. It is a "Bundesrepublik".

DR FOURIE: The UK is not Wales ...

SIR LEONARD: We have our own variations.

MR BOTHA: All I am saying is A1 is an important part of this and in B the principle is at least allowed for inclusion in the constitution to be drafted by the Constituent Assembly, and if it is good enough as a principle to be included in a constitution of an independent Namibia, then it is also good enough to be taken into account in constituting the Constituent Assembly. May I suggest that you should not be too categorical on A1 at this stage. May I suggest that you carefully consider what the parties may propose to you as their interpretation of A1. I think we must be careful at this stage not to effect too many changes in this document. For instance, A2 should not be changed. Let us read A1 as it is, and see whether we can't find an interpretation that may be wide enough to accommodate the election of the Constituent Assembly on the basis of a proportional representation, supplemented and strengthened

to accommodate the anxieties of minority groups. Surely that is fair, that would be a fair representation.

In other words, if you have only a clean-cut one man one vote proportional representation, you are running the risk of excluding at least some minorities. For instance, the Caprivians are in a difficult position. The former vice-president of SWAPO, the man who broke away last year, broke away when he was told that he would not be allowed to take Caprivi on a road of autonomous development - to opt out of an independent Namibia. He left because it became clear to him that Mr Nujoma would not allow that. This is not only a concern of the Whites, minority rights. It is also a concern of the Basters of Rehoboth. Mr Diergaardt told the Prime Minister and myself last week that should we allow Rehoboth to opt out of Namibia into a constellation of states of Southern Africa, he would take his own independence. My German friends will realise that it was Germany who gave them a measure of autonomy in the former century. I am talking of a situation that we inherited.

SIR LEONARD: I am glad it was somebody else's fault.

MR BOTHA: The Basters are a unique group. We are supplementing their budget with R14 million and they are 20 000 people. Now you divide it on a per capita basis and see what it means. But this is not enough. They have requested R5 million more. So prepare yourself for this and see what you can do to meet the anxieties of minorities - minority representation -

without overriding the principle of proportional representation.

SIR LEONARD: I think that Dr Crocker would like to say a word, comment on your point on the electoral system.

DR CROCKER: I was going to come in actually on B1. Just as what your reaction will be to a sentence which said something such as "Namibia will be a single sovereign entity".

MR BOTHA: I think you must use the word "international", because "statehood" is an international concept. It is a subject of international law and member of international organizations. There cannot be two or three or four international components of one state.

DR CROCKER: Yes, we are saying the same thing. But it's a concept of what we are trying to get into there is in addition to the democratic states, is the concept that it would be a single sovereign state and not a ...

MR BOTHA: Could you not add the real meaning that the form of the state will be decided on by the Constituent Assembly, namely whether it will be a federal state or not. The word unitary state is sometimes used as an opposite to federal state.

DR FOURIE: But if you simply say it will be a sovereign and democratic state. It will be a sovereign democratic state. Is that not what you are trying to say ...

SIR LEONARD: Well let's say we will look at it, because we'll undoubtedly get many more comments as we are going around, but we take that on.

MR BOTHA: What will be the position, not that I suggest it, if Caprivi wants to join either Botswana or Zambia?

SIR LEONARD: We haven't considered that. I would think there will be very severe difficulties. I mean it has cropped up in the past. I mean independence in other places and Zambia bring to mind the Sotho as they called them, no, the Lozi? wanted to remain outside, but they had to go inside.

I should think that there would be very great resistance but it isn't a point we have considered amongst ourselves at all.

MR BOTHA: As far as the principles are concerned, you will realise that the South African Government cannot at this stage commit itself to any of these principles except no A2. Can I cancel that. I will put it this way. Our official point of view on this particular document is that we have discussed it with the representatives of the Five, that they are now proceeding to South West Africa where they will discuss it with the parties there and the South African Government will determine its position on these principles at a later stage after we have had the opportunity of also consulting with the internal parties.

SIR LEONARD: Well I think that will be a very fair formulation. As I have already indicated, we are getting suggestions as we go around, some easier than others, and we will be looking at the whole thing at the end and there will undoubtedly be some revisions made which will require further consultation.

MR BOTHA: So much will probably depend on some other subjects that will still have to be discussed regarding the size, deployment and composition of UNTAG, and other matters related to the security situation. There are also some other matters which I would not wish to raise today because I do not consider them to be insurmountable, but let us move along step by step. Maybe that's a better way. To go ahead, I have tried to indicate to you today what will be the difficulties that you may experience in the Territory. I should also emphasise that just about every party, also those who are very far to the left of my Government's thinking, are now requesting guarantees from you and from my Government which we will not be in a position to give alone. We can't give those guarantees alone. They have certain financial implications which I don't want to spell out, but the fact is they are concerned about the aspect of guarantees. How do you guarantee all these lofty ideals? Who will make sure that they will be implemented in practice. I told them to ask you. I haven't got an answer at present. I suppose we must all still think about it. But they will ask you, what is your safety net, what is your fail-safe mechanism, your fool-proof mechanism, particularly as a result of developments in Zimbabwe. Shortly after the

election in Zimbabwe, the main fear in the territory was that just as Mr Mugabe won, Mr Nujoma would win in the Territory. It's possible. Now the fear is still there, but it has been supplemented by the fear that they will be heading for the same situation as Zimbabwe now finds itself in, namely financial shortages, taking over of the press, heading towards a one-party state and that sort of thing and they ask what has now become of Lord Carrington's lofty constitution. Where is it, it's going, it's being eroded. I must say that I think there is merit in their concerns. Whether we agree with them or not, the parallels from which they now draw do not help me and my Prime Minister to persuade them to accept your proposals unless we can give them firm guarantees. I will be grateful if you could think of ways. We will think of ways. I wonder, General Malan, would you like to make some comments?

GEN. MALAN:

Well, if I can say in general, I think that your biggest concern will be, or rather that of the group that will be most aggravated by the whole situation will be the centre parties, and I am talking about centre parties being the DTA and the NP, if they get assurance from your side, the kind of assurance that Pik was referring you, you might win them over to your side. I think as far as the left-hand side is concerned, you really have no problem. They will go with you. And I think the question will be what about the future. Because unfortunately Zimbabwe is being used as an example and they are very much worried that here in Southern Africa everybody believes

that it is going for an economic disaster. You have the situation there you will find from the right hand side especially the right and the centre parties, this is what they are going to say to you over there, this is what is happening there.

MR BOTHA: In other words, what assurances can you offer for the situation after independence. All right, A2 helps a lot. That's why I have suggested to you an A1 interpretation that can gain the confidence of the minorities.

SIR LEONARD: Thank you very much. Well, we certainly understand the concern about: "Okay we have dealt with that but how is it going to work?", and of course the answer really is that there are no cast-iron guarantees in life about anything except that it is uncertain, but we have addressed ourselves to mechanisms that will help to create reasonable confidence. I mentioned two steps in my opening remarks and we can think of one or two additional things, but it is a very difficult problem.

MR BOTHA: I have relied so far in my discussions with the Administrator-General on A2, I have relied strongly on that, I said that it contained a guarantee. I have the impression that that argument was considered by the internal parties as a good one. But I don't think it will be enough. That's why I have tried to give you an interpretation of A1 which will strengthen their confidence.

SIR LEONARD: What I mentioned earlier, perhaps I might mention again, is what we have in mind is that each of

the parties would make a public commitment that it accepts the constitutional principles, including A2 or whatever else goes into it in the end; that they would act on those principles in adopting the constitution and that those commitments by the parties would be sanctioned by the international community through the Security Council. It's a matter you can smile and I can smile - but the fact is that you have to do what you can to build up confidence and I don't know any...

MR BOTHA:

It will not be helpful to rely on Security Council endorsement. As a matter of fact, if you can avoid that so much the better. It is preferable to talk about commitments of the parties or neighbouring states, for what it is worth, than to mention the UN. The whole partiality question which is of course not addressed at this stage, is an extremely emotional issue, and there is none around this table that can defend the General Assembly's attitude and even the Security Council's decision not to allow the DTA to address it. That was the most foolish step I've come across in my life. You will not assist your effort by saying to them that the UN will guarantee anything. You will make your case worse. But if you as the Five are prepared to furnish guarantees - yes, that may be slightly different.

SIR LEONARD: Our history of guarantees is not too marvellous.

MR BOTHA: Well as a matter of fact I told them, I told them you can never ... how can any country be secure, the communists may one of these days rule Britain.

SIR LEONARD: They are working on it now.

MR BOTHA: The point I want to make is that they might be looking for guarantees from you as the Five together. If you can do it, it will help. Looking at it from a realistic point of view, for I know what counts in their minds, if you can bring Al in conjunction with minority representation, you will probably be able to create more confidence. I do not have the clear-cut answer for you, but let us think about it.

Now I think it is about time we leave. I invite all of you to a lunch where we can keep on talking because it will only be us. We have a small restaurant in this building which I booked for us. Should you wish to avail yourselves of this invitation, you are most welcome. We will join you immediately after our courtesy call on the Prime Minister.