July 2, 1968

The Honorable
B. J. Vorster
Prime Minister of the
Republic of South Africa
Union Building
Pretoria, Republic of South Africa

Dear Mr. Prime Minister:

We write to you on behalf of our clients who are members of the Ad Hoc Committee for the Development of an Independent South West Africa. On December 6, 1967, five members of this committee sought to enter South West Africa. They were proceeding as a group of experts to investigate possible projects which could be supported by American non-governmental organizations, leading to the development of an independent South West Africa. They consisted of an economist and specialist in cooperatives, a physician, a farm specialist, a nutritionist, and an experienced person in the field of community relations.

Under resolutions adopted by the General Assembly of the United Nations your government's mandate over South West Africa was terminated, and the power to administer South West Africa until independence was entrusted to the Council for South West Africa. The Council was, accordingly, the only body entitled to impose requirements concerning entry of visitors into South West Africa, and no such requirements have as yet been imposed. Consequently, our clients were not obligated to obtain permission to enter South West Africa from any government or agency, and clearly had the right of entry for the peaceful and constructive purposes mentioned above.

However, as you are aware, the planes chartered by our clients for the purpose of landing at Windhoek Airport were not permitted to land as the result of a message radiated to the planes from the authorities at Strijdom Airport. The message stated that the planes would not be allowed to land at that airport or any other airport in South West Africa unless all documents of the crew and passengers met all local legal requirements.
Your government had no legal authority whatsoever to impose conditions on the entry of our clients, in view of the fact that the presence of your government in South West Africa at this time has no legal foundation. Our clients, accordingly, hold your government responsible for the damages they sustained, in the amount of $750,000, as a result of your frustration of their plans to assist in the development of the territory of South West Africa.

Moreover, the refusal of the authorities to permit the plane to land, with knowledge on their part that it was in distress because of a lack of fuel, aggravated the offense, and constituted a violation of applicable international law including Article 25 of the Convention on International Civil Aviation, as well as a violation of elementary humanitarian principles. Our clients reserve all their rights in connection with these violations.

We shall await receipt of your prompt reply, and assurance of favorable action on this claim.

Very truly yours,

DELSON & GORDON

Robert Delson

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