

MCA 911-137-1-1

RESOLUTION 435

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Many of the enclosed documents were prepared by either NAMLAW or the Legal Assistance Centre.

NAMLAW was an independent legal research unit which prepared legal analysis and drafted new legislation for SWAPO under the direction of the late Adv Anton Lubowski. It was dissolved following Adv Lubowski's assassination.

The Legal Assistance Centre is a public interest law firm which has been operating in Namibia since mid-1988. It has been involved primarily in human rights issues and labour matters.

RESOLUTION 435

"Resolution 435" became an abbreviated reference to a package of documents which were part of the implementation plan for UN Security Council Resolution 435.

The following documents were the key components of this package in regard to the election:

- 1) UN Security Council Resolution 435
- 2) Proposal for a Settlement of the Namibian Situation (S/12636) (1978)
- 3) Report of the UN Secretary-General (S/12827) (1978)
- 4) Explanatory Statement by the UN Secretary-General (S/12869) (1978)
- 5) 1982 Constitutional Principles (S/15287)
- 6) 1982 "Impartiality Package"
- 7) Further Report of the UN Secretary-General (S/20412) (1989)
- 8) Explanatory Statement by the UN Secretary-General (S/20457) (1989)

# Namibia: Resolution 435



## Security Council Resolution 435(1978) of 29 September 1978

*The Security Council,*

*Recalling* its resolutions 385(1976) of 30 January 1976 and 431(1978) and 432(1978) of 27 July 1978,

*Having considered* the report submitted by the Secretary-General pursuant to paragraph 2 of resolution 431(1978) (S/12827) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869),

*Taking note* of the relevant communications from the Government of South Africa addressed to the Secretary-General,

*Taking note also* of the letter dated 8 September 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12841),

*Reaffirming* the legal responsibility of the United Nations over Namibia,

1. *Approves* the report of the Secretary-General (S/12827) for the implementation of the proposal for a settlement of the Namibian situation (S/12636) and his explanatory statement (S/12869);
2. *Reiterates* that its objective is the withdrawal of South Africa's illegal administration of Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with resolution 385(1976);
3. *Decides* to establish under its authority a United Nations Transition Assistance Group (UNTAG) in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by paragraph 1 of Security Council resolution 431(1978), namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;
4. *Welcomes* SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from the President of SWAPO dated 8 September 1978 (S/12841);
5. *Calls on* South Africa forthwith to co-operate with the Secretary-General in the implementation of this resolution;
6. *Declares* that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of Security Council resolutions 385(1976), 431(1978) and this resolution, are null and void;
7. *Requests* the Secretary-General to report to the Security Council no later than 23 October 1978 on the implementation of this resolution.

# Namibia: S/12636



United Nations

Letter (S/12636) dated 10 April 1978 from the Representatives of Canada, France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the President of the Security Council

*On instructions from our Governments we have the honour to transmit to you a proposal for the settlement of the Namibian situation and to request that it should be circulated as a document of the Security Council.*

*The objective of our proposal is the independence of Namibia in accordance with resolution 385(1976), adopted unanimously by the Security Council on 30 January 1976. We are continuing to work towards the implementation of the proposal.*

## Proposal for a Settlement of the Namibian Situation

### I. Introduction

1. Bearing in mind their responsibilities as members of the Security Council, the Governments of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States have consulted with the various parties involved with the Namibian situation with a view to encouraging agreement on the transfer of authority in Namibia to an independent government in accordance with resolution 385(1976), adopted unanimously by the Security Council on 30 January 1976.

2. To this end, our Governments have drawn up a proposal for the settlement of the Namibian question designed to bring about a transition to independence during 1978 within a framework acceptable to the people of Namibia and thus to the international community. While the proposal addresses itself to all elements of resolution 385(1976), the key to an internationally acceptable transition to independence is free elections for the whole of Namibia as one political entity with an appropriate United Nations role in accordance with resolution 385(1976). A resolution will be required in the Security Council requesting the Secretary-General to appoint a United Nations Special Representative whose central task will be to make sure that conditions are established which will allow free and fair elections and an impartial electoral process. The Special Representative will be assisted by a United Nations Transition Assistance Group.

3. The purpose of the electoral process is to elect representatives to a Namibian Constituent Assembly which will draw up and adopt the Constitution for an independent and sovereign Namibia. Authority would then be assumed during 1978 by the Government of Namibia.

4. A more detailed description of the proposal is contained below. Our Governments believe that this proposal provides an effective basis for implementing resolution 385(1976) while taking adequate account of the interests of all parties involved. In carrying out his responsibilities, the Special Representative will work together with the official appointed by South Africa (the Administrator-General) to ensure the orderly transition to independence. This working arrangement shall in no way constitute recognition of the legality of the South African presence in and administration of Namibia.

### II. The Electoral Process

5. In accordance with Security Council resolution 385(1976), free elections will be held, for the whole of Namibia as one political entity, to enable the people of Namibia freely and fairly to determine their own future. The elections will be under the supervision and control of the United Nations in that, as a condition to the conduct of the electoral process, the elections themselves and the certification of their results, the United Nations Special Representative will have to satisfy himself at each stage as to the fairness and appropriateness of all

measures affecting the political process at all levels of administration before such measures take effect. Moreover the Special Representative may himself make proposals in regard to any aspect of the political process. He will have at his disposal a substantial civilian section of the United Nations Transition Assistance Group (UNTAG), sufficient to carry out his duties satisfactorily. He will report to the Secretary-General, keeping him informed and making such recommendations as he considers necessary with respect to the discharge of his responsibilities. The Secretary-General, in accordance with the mandate entrusted to him by the Security Council, will keep the Council informed.

6. Elections will be held to select a Constituent Assembly which will adopt a Constitution for an independent Namibia. The Constitution will determine the organization and powers of all levels of government. Every adult Namibian will be eligible, without discrimination or fear of intimidation from any source, to vote, campaign and stand for election to the Constituent Assembly. Voting will be by secret ballot, with provisions made for those who cannot read or write. The date for the beginning of the electoral campaign, the date of elections, the electoral system, the preparation of voters rolls, and other aspects of electoral procedures will be promptly decided upon so as to give all political parties and interested persons, without regard to their political views, a full and fair opportunity to organize and participate in the electoral process. Full freedom of speech, assembly, movement and press shall be guaranteed. The official electoral campaign shall commence only after the United Nations Special Representative has satisfied himself as to the fairness and appropriateness of the electoral procedures. The implementation of the electoral process, including the proper registration of voters and the proper and timely tabulation and publication of voting results, will also have to be conducted to the satisfaction of the Special Representative.

7. The following requirements will be fulfilled to the satisfaction of the United Nations Special Representative in order to meet the objective of free and fair elections:

a. Prior to the beginning of the electoral campaign, the Administrator-General will repeal all remaining discriminatory or restrictive laws, regulations, or administrative measures which might abridge or inhibit that objective.

b. The Administrator-General will make arrangements for the release, prior to the beginning of the electoral campaign, of all Namibian political prisoners or political detainees held by the South African authorities

so that they can participate fully and freely in that process, without risk of arrest, detention, intimidation or imprisonment. Any disputes concerning the release of political prisoners or political detainees will be resolved to the satisfaction of the Special Representative acting on the independent advice of a jurist of international standing who will be designated by the Secretary-General to be legal adviser to the Special Representative.

c. All Namibian refugees or Namibians detained or otherwise outside the Territory of Namibia will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment. Suitable entry points will be designated for these purposes.

d. The Special Representative, with the assistance of the United Nations High Commissioner for Refugees and of other appropriate international bodies, will ensure that Namibians remaining outside of Namibia will be given a free and voluntary choice whether to return. Provision will be made to attest to the voluntary nature of decisions made by Namibians who elect not to return to Namibia.

8. A comprehensive cessation of all hostile acts will be observed by all parties in order to ensure that the electoral process will be free from interference and intimidation. The annex describes provisions for the implementation of the cessation of all hostile acts, military arrangements concerning UNTAG, the withdrawal of South African forces, and arrangements with respect to other organized forces in Namibia, and with respect to the forces of SWAPO. These provisions call for:

a. A cessation of all hostile acts by all parties and the restriction of South African and SWAPO armed forces to base.

b. Thereafter, a phased withdrawal from Namibia of all but 1,500 South African troops within 12 weeks and prior to the official start of the political campaign. The remaining South African force would be restricted to Grootfontein or Oshivello or both and would be withdrawn after the certification of the election.

c. The demobilization of the citizen forces, commandos and ethnic forces, and the dismantling of their command structures.

d. Provision will be made for SWAPO personnel outside the Territory to return peacefully to Namibia through designated entry points to participate freely in the political process.

e. A military section of UNTAG to ensure that the provisions of the agreed solution will be observed by all parties. In establishing the military section of UNTAG, the Secretary-General will keep in mind functional and

logistical requirements. The five Governments, as members of the Security Council, will support the Secretary-General's judgement in his discharge of this responsibility. The Secretary-General will, in the normal manner, include in his consultations all those concerned with the implementation of the agreement. The United Nations Special Representative will be required to satisfy himself as to the implementation of all these arrangements and will keep the Secretary-General informed of developments in this regard.

9. Primary responsibility for maintaining law and order in Namibia during the transition period will rest with the existing police forces. The Administrator-General will ensure the good conduct of the police forces to the satisfaction of the United Nations Special Representative and will take the necessary action to ensure their suitability for continued employment during the transition period. The Special Representative will make arrangements, when appropriate, for United Nations personnel to accompany the police forces in the discharge of their duties. The police forces would be limited to the carrying of small arms in the normal performance of their duties.

10. The United Nations Special Representative will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter.

11. Immediately after the certification of election results, the Constituent Assembly will meet to draw up and adopt a Constitution for an independent Namibia. It will conclude its work as soon as possible so as to permit whatever additional steps may be necessary prior to the installation of an independent Government of Namibia during 1978.

12. Neighbouring countries will be requested to ensure to the best of their abilities that the provisions of the transitional arrangements, and the outcome of the election, will be respected. They will also be requested to afford the necessary facilities to the United Nations Special Representative and all United Nations personnel to carry out their assigned functions and to facilitate such measures as may be desirable for ensuring tranquillity in the border areas.

**Annex to S/12636**

Timing	SAG	SWAPO	UN	Other action
1. At date unspecified:			UNSC passes resolution authorizing SG to appoint UNSR and requesting him to submit plan for UN involvement. SG appoints UNSR and dispatches UN contingency planning group to Namibia. SG begins consultations with potential participants in UNTAG.	
2. As soon as possible, preferably within one week of Security Council action:			SG reports back to UNSC. UNSC passes further resolution adopting plan for UN involvement. Provision is made for financing.	
3. Transitional period formally begins on date of UNSC passage of resolution adopting SG's plan:	General cessation of hostile acts comes under UN supervision. Restriction to base of all South African forces including ethnic forces.	General cessation of hostile acts comes under UN supervision. Restriction to base.	As soon as possible: UNSR and staff (UNTAG) arrive in Namibia to assume duties. UN military personnel commence monitoring of cessation of hostile acts and commence monitoring of both South African and SWAPO troop restrictions. Begin infiltration prevention and border surveillance. Begin monitoring of police forces. Begin monitoring of citizen forces, ethnic forces, and military personnel performing civilian functions.  UNSR makes necessary arrangements for co-ordination with neighbouring countries concerning the provisions of the transitional arrangements.	Release of political prisoners/detainees wherever held begins and is to be completed as soon as possible.



4. Within six weeks:	Restriction to base continues. Force levels reduced to 12,000 men.	Restriction to base continues.	Appropriate action by UN High Commissioner for Refugees outside Namibia to assist in return of exiles. All UN activity continues.	Establishment in Namibia of provisions to facilitate return of exiles. Establishment and publication of general rules for elections.  Completion of repeal of discriminatory laws and restrictive legislation. Dismantlement of command structures of citizen forces, commandos and ethnic forces, including the withdrawal of all South African soldiers attached to these units. All arms, military equipment, and ammunition of citizen forces and commandos confined to drill halls under UN supervision. AG to ensure that none of these forces will drill or constitute an organized force during the transitional period except under order of the AG with the concurrence of UNSR. AG with concurrence of UNSR determines whether and under what circumstances those military personnel performing civilian functions will continue those functions.
5. Within nine weeks:	Restriction to base continues. Force levels reduced to 8,000 men.	Restriction to base continues. Peaceful repatriation under UN supervision starts for return through designated entry points.	All UN activity continues.	Completion of release of political prisoners/detainees wherever held.
6. Within 12 weeks:	Force levels reduced to 1,500 men, restricted to Grootfontein or Oshivello or both. All military installations along northern border would by now either be deactivated or put under civilian control under UN supervision. Facilities which depend on them (e.g. hospitals, power stations) would be protected where necessary by the UN.	Restriction to base continues.	All UN activity continues. Military section of UNTAG at maximum deployment.	

7. Start of thirteenth week:			Official start of election campaign of about four months' duration.
8. On date established by AG to satisfaction of UNSR:			Election to Constituent Assembly.
9. One week after date of certification of election:	Completion of withdrawal.	Closure of all bases.	Convening of Constituent Assembly.
10. At date unspecified:			Conclusion of Constituent Assembly and whatever additional steps may be necessary prior to installation of new government.
11. By 31 December 1978 at latest:			Independence.

- AG = Administrator-General
- SAG = South African Government
- SG = Secretary-General of the United Nations
- SWAPO = South West Africa People's Organization
- UN = United Nations
- UNSC = United Nations Security Council
- UNSR = United Nations Special Representative
- UNTAG = United Nations Transition Assistance Group

# Namibia: S/12827



United Nations

## Report of the Secretary-General (S/12827) Submitted pursuant to Paragraph 2 of Security Council Resolution 431(1978) concerning the Situation in Namibia, 29 August 1978

### Introduction

1. At its 2082nd meeting on 27 July 1978, the Security Council adopted resolution 431(1978). By that resolution, the Council, recalling its resolution 385(1976) and taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978, requested me to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations. The full text of resolution 431(1978) reads as follows:

*"The Security Council,*

*Recalling its resolution 385(1976) of 30 January 1976,*

*Taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978,*

1. *Requests* the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;

2. *Further requests* the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with Security Council resolution 385(1976);

3. *Urges* all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date."

2. Immediately following the decision of the Council, I appointed Mr. Martti Ahtisaari, the United Nations Commissioner for Namibia, my Special Representative for the purposes of the resolution.

3. Mindful of the Council's further request contained in paragraph 2, I requested my Special Representative to undertake, at the earliest possible date, a survey mission to Namibia for the purpose of gathering for me all the information necessary for the preparation of the present report. To assist him in this task, I placed at his disposal a team of United Nations officials and military advisers.

4. This report, which is based on the survey of my Special Representative, is submitted to the Security Council pursuant to paragraph 2 of resolution 431(1978), in which the Council requested the Secretary-General "to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal in accordance with Security Council resolution 385(1976)".

### 1. The Survey Mission

5. As stated above, my Special Representative, accompanied by a staff of United Nations officials and military advisers, visited Namibia from 6 to 22 August for the purpose of carrying out a survey of all matters relative to the implementation of resolution 431(1978).

6. In addition to meetings with the Administrator-General of the Territory and his staff, as well as with the South African military and police commanders and local authorities, the Special Representative had the opportunity to consult extensively representatives of political parties, churches, the business community and individuals. His consultations in this regard covered a wide spectrum of public opinion within the Territory. In this connection, the Special Representative and his staff, by travelling extensively within the Territory, were able to familiarize themselves with local conditions which would have relevance to the effective organization and operation of a United Nations Transition Assistance Group (UNTAG) entrusted with the tasks set out in the proposal for a settlement of the Namibian situation contained in document S/12636.

7. In the course of his meetings and consultations, the Special Representative was able to obtain the views of not only the Administrator-General and his staff but also the representatives of the Namibian people on a broad range of important topics relating to the necessary conditions for the holding of free and fair elections and to the role of the United Nations. Among the principal subjects discussed were: the repeal of all the remaining discriminatory or restrictive laws, regulations or administrative measures which might abridge or inhibit the

objective of free and fair elections; arrangements for ensuring the release of political prisoners and detainees, as well as the voluntary return of Namibians; the arrangements and dispositions required to ensure the cessation of all hostile acts; the electoral process; the composition and work of the Constituent Assembly; and the timetable for the accomplishment of the above stages. The military aspects of the operation, with special reference to the introduction and functioning of the military component of UNTAG, were also fully discussed. In addition, the Special Representative also discussed with the Administrator-General the manner of ensuring the good conduct of the police and the arrangements necessary to assure the free and unrestricted discharge by the United Nations staff of the tasks assigned to them.

## II. General Guidelines

8. The implementation of the proposal in paragraph 2 of resolution 431(1978) will require the establishment of a United Nations Transition Assistance Group in the Territory, consisting of a civilian component and a military component. Because of the unique character of the operation and the need for close co-operation between them, both components will be under the over-all direction of the Special Representative of the Secretary-General.

9. The Special Representative will report to me, keeping me informed and making such recommendations as he considers necessary with respect to the discharge of his responsibilities. The Secretary-General, in accordance with the mandate entrusted to him by the Security Council, will keep the Council fully informed of developments relating to the implementation of the proposal and to the functioning of UNTAG. All matters which might affect the nature or the continued effective functioning of UNTAG will be referred to the Council for its decision.

10. The deployment of both components of UNTAG must take into account the specific geographic, demographic, economic and social conditions prevailing in Namibia. These include, in particular, the vast distances and varied nature of topography and vegetation; the broad ranges of climatic conditions; the scarcity of water; the population distribution and existing communication network, the distribution and concentration of ethnic groups; and the lack of an adequate infrastructure in the north, such as roads and other communications and facilities. All these factors, when analysed, make it evident that sizeable resources, both military and

civilian, will be required to provide the close monitoring called for in document S/12636.

11. In performing its functions, UNTAG will act with complete impartiality. In order that the proposal may be effectively implemented, it is expected that the Administrator-General and all other officials from within the Territory will exhibit the same impartiality.

12. For UNTAG to carry out all its tasks effectively, three essential conditions must be met. First, it must at all times have the full support and backing of the Security Council. Secondly, it must operate with the full co-operation of all the parties concerned, particularly with regard to the comprehensive cessation of all hostile acts. Thirdly, it must be able to operate as a combined United Nations operation, of which the military component will constitute an integrated, efficient formation within the wider framework of UNTAG.

13. To monitor the cessation of hostilities effectively, to maintain surveillance of the Territory's vast borders and to monitor the restriction to base of the armed forces of the parties concerned, the co-operation and support of the neighbouring countries will be necessary. Such co-operation will be most important, particularly during the early stages.

14. Implementation of the proposal, and thus the work of UNTAG, will have to proceed in successive stages. These stages, which are detailed in the annex to document S/12636, can be grouped as follows:

a. Cessation of all hostile acts by all parties and the withdrawal, restriction or demobilization of the various armed forces;

b. Conduct of free and fair elections to the Constituent Assembly, for which the pre-conditions include the repeal of discriminatory or restrictive laws, regulations or administrative measures, the release of political prisoners and detainees and voluntary return of exiles, the establishment of effective monitoring by the United Nations and an adequate period for electoral campaigning;

c. The formulation and adoption of a Constitution for Namibia by the Constituent Assembly;

d. The entry into force of the Constitution and the consequent achievement of independence of Namibia.

15. The length of time required for these stages is directly related to the complexity of the tasks to be performed and to the overriding consideration that certain steps are necessary before it can be said that elections have been held under free and fair conditions. It will be recalled that the proposal envisaged a series of successive stages, spaced so as to provide a sufficient lapse

of time before the holding of the elections. This should permit, among other things, the release of political prisoners and detainees, the return and registration of all Namibians outside the Territory who may wish to participate in the electoral process, the deployment of United Nations military and civilian personnel and electoral campaigning by all parties in an atmosphere of tranquillity. The timetable set out in the proposal called for the lapse of approximately seven months from the date of the approval of the present report by the Security Council to the holding of the elections.

16. In his discussions with the Special Representative, the Administrator-General said that the South African authorities, having previously established 31 December 1978 as the date of independence, felt that they were committed thereto and that, consequently, the elections should take place as scheduled, regardless of the fact that it would necessitate substantially reducing the timetable necessary for completion of the preparatory plans. A majority of the political parties was of the opinion, however, that it was essential to maintain the orderly phasing of the preparatory stages and to allow sufficient time for electoral campaigning in order to ensure free and fair elections. Further, it was pointed out that the actual date of independence would fall within the competence of the Constituent Assembly.

17. It will be recalled however that, at the time the proposal was first formulated, the date of 31 December 1978 was consistent with completion of these steps. The delay in reaching agreement among the parties now makes completion by this date impossible. It is therefore recommended that the transitional period should begin on the date of approval of the present report by the Security Council and proceed in accordance with the steps outlined in document S/12636. Using the same timetable that earlier provided the 31 December 1978 date, an appropriate date for elections would be approximately seven months from the date of the approval of the present report.

18. Estimates of the periods of time required for completion of stages a and b of paragraph 14 above are included in the annex to document S/12636. In view of the fact that the periods required for stages c and d would be determined by the Constituent Assembly, it is expected that the duration of UNTAG would be one year, depending on the date of independence to be decided by the Constituent Assembly.

19. UNTAG will have to enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks. For this purpose UNTAG

and its personnel must necessarily have all the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations, as well as those especially required for the proposed operation.

20. The military component of UNTAG will not use force except in self-defence. Self-defence will include resistance to attempts to prevent it from discharging its duties under the mandate of the Security Council. UNTAG will proceed on the assumption that all the parties concerned will co-operate with it and take all the necessary steps for compliance with the decisions of the Council.

### III. Establishment of UNTAG

#### A. Military Component

21. The functions which will be performed by the military component of UNTAG are set out in paragraph 8 and in the annex of document S/12636. These include, in particular:

a. Monitoring the cessation of hostile acts by all parties, the restriction of South African and SWAPO armed forces to base, the phased withdrawal of all except the specified number of South African forces and the restriction of the remainder to specified locations;

b. Prevention of infiltration as well as surveillance of the borders of the Territory;

c. Monitoring the demobilization of citizen forces, commandos and ethnic forces, and the dismantling of their command structure.

22. The military component will assist and support the civilian component of UNTAG in the discharge of its tasks.

23. The military component of UNTAG will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The command in the field will be exercised by a Commander appointed by the Secretary-General with the consent of the Council. The Commander will report through the Special Representative to the Secretary-General on all matters concerning the functioning of the military component of UNTAG.

24. The military component will comprise a number of contingents to be provided by Member States upon the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographical representation. In ad-

dition, a body of selected officers to act as monitors will form an integral part of the military component.

25. The military component, including the monitors, will be provided with weapons of a defensive character, consistent with the guidelines set out in paragraph 20 above.

26. In order that the military component may fulfil its responsibilities, it is considered that it should have a strength of the order of seven infantry battalions, totalling approximately 5,000, plus 200 monitors, and, in addition, command, communications, engineer, logistic and air support elements totalling approximately 2,300. The infantry battalions should be fully self-sufficient.

27. It will be essential to establish an adequate logistic and command system at the very outset of the operation. It will therefore be necessary to obtain urgently from Governments the elements of such a system. In this connection, it may well be necessary to use also the services of civilian contractors for some logistic functions, as appropriate. In the nature of the physical circumstances pertaining to this operation, UNTAG may have to rely to a considerable extent on existing military facilities and installations in Namibia.

#### B. Civilian Component

28. The civilian component will consist of two elements. One of these elements will be the civil police, whose function will be to assist the Special Representative in implementing the tasks set out in paragraphs 9 and 10 of document S/12636.

29. The duties of the civil police element of UNTAG will include taking measures against any intimidation or interference with the electoral process from whatever quarter, accompanying the existing police forces, when appropriate, in the discharge of their duties and assisting in the realization of the function to be discharged by the Administrator-General to the satisfaction of the Special Representative of ensuring the good conduct of the existing police forces.

30. In order that the UNTAG police may fulfil their responsibilities, as described above, it is considered, as a preliminary estimate, that approximately 360 experienced police officers will be required. It is hoped that police officers will be made available by Governments on a secondment basis, bearing in mind the accepted principle of equitable geographical representation as well as the language and other requirements of the assignment.

31. The non-police element of the civilian component of UNTAG will have the function of assisting the Special Representative in implementing paragraphs 5 to 7 of

document S/12636 and the relevant sections of the annex thereto. These tasks will consist, in particular, of the following:

a. Supervising and controlling all aspects of the electoral process, considering the fairness and appropriateness of the electoral procedures, monitoring the balloting and the counting of votes, in order to ensure that all procedures will be strictly complied with, and receiving and investigating complaints of fraud or challenges relating to the electoral process;

b. Advising the Special Representative as to the repeal of discriminatory or restrictive laws, regulations or administrative measures which may abridge or inhibit the objective of free and fair elections;

c. Ensuring the absence of or investigating complaints of intimidation, coercion or restrictions on freedom of speech, movement or peaceful political assembly which may impede the objective of free and fair elections;

d. Assisting in the arrangements for the release of all Namibian political prisoners or detainees and for the peaceful, voluntary return of Namibian refugees or Namibians detained or otherwise outside the Territory;

e. Assisting in any arrangements which may be proposed by the Special Representative to the Administrator-General and implemented by the Administrator-General to the Special Representative's satisfaction intended to inform and instruct the electorate as to the significance of the election and the procedures for voting.

32. Bearing in mind the vast size of the Territory, the dispersal of the population and the lack of adequate communications, it is considered, as a preliminary estimate, that approximately 300 Professional officers, as well as the necessary supporting staff, will be required initially until the cessation of hostile acts has been achieved. Thereafter about 1,000 Professional and 200 Field Service and General Service staff will be required during the electoral campaign and the period of balloting in order to cover all the polling stations. The staff will, among other duties, be required for 24 regional centres and more than 400 polling stations.

33. It is anticipated that some of these officials will be provided from among existing United Nations staff and that some will be persons appointed specially for this operation. In addition, it is my hope that a significant number of officials can be seconded or loaned by Governments. All such seconded or loaned personnel will be required to assume the responsibilities incumbent on United Nations officials.

34. It is also my intention to conduct consultations concerning the designation of a jurist of international standing whose appointment as legal adviser to the Special Representative is provided for in paragraph 7b of document S/12636.

#### IV. Proposed Plan of Action

35. Subject to the approval of the present report by the Security Council, it is my intention to initiate the operation as quickly as possible.

36. It is my intention to appoint Major-General Hannes Philipp Commander of the military component of UNTAG; he has extensive experience of United Nations peace-keeping operations and is already familiar with the situation in Namibia.

37. Immediately following such a decision by the Security Council, the Special Representative, accompanied by the Commander of the military component, the key elements of their staffs and the essential command and logistic elements, will proceed to Namibia in order to establish the headquarters of UNTAG and begin operations as quickly as possible.

38. A number of Governments have already expressed their interest in providing military contingents for UNTAG. Immediately upon the approval of the present report by the Security Council, it is my intention to consult the Council and the parties concerned on the composition of the military component, bearing in mind the principle of equitable geographical representation, on the one hand, and the necessity of obtaining self-sufficient units, on the other. Every effort will be made to begin the deployment of the military component within three weeks and to bring it to its full strength within 12 weeks. For this to be achieved, it will be necessary to determine the composition of the military component at the earliest possible time.

39. It is also my intention to approach Governments to provide military personnel to serve as monitors. In the initial stages, given the urgency of deploying at least some of the monitors, it may be possible to draw upon officers already serving with other existing United Nations operations. This may also apply to key staff positions.

40. As regards civilian personnel, it is likewise my intention, as stated in paragraphs 30 and 33 above, to approach Governments to make available on secondment or loan experienced police officers to serve as police monitors and other experienced officials to serve in the civilian component of UNTAG. In recruiting civilian staff for UNTAG, I shall bear in mind both the accepted principle of equitable geographical representation and the urgent need to deploy a large number of experienced staff within the shortest possible time.

#### V. Financial Implications

41. At present there are too many unknown factors to permit an accurate assessment of the cost of UNTAG. Based on the numbers of personnel specified in this report and the envisaged duration of 12 months, and taking into account the magnitudes and elements of the financial requirements experienced in other peace-keeping operations, the indications are that the financial requirements for UNTAG could be as high as \$300 million, of which approximately \$33 million will be required to finance the return of refugees and exiles. In view of the nature of the operation, due regard should be given to the fact that some elements of the operation may be phased out before the end of the mandate and that alternative arrangements may be possible which could result in lower costs.

42. The costs of UNTAG shall be considered expenses of the Organization to be borne by the Member States in accordance with Article 17, paragraph 2, of the Charter.

# Namibia: S/12869



United Nations

## Explanatory Statement by the Secretary-General (S/12869) regarding his Report Submitted pursuant to Paragraph 2 of Security Council Resolution 431(1978) concerning the Situation in Namibia (S/12827), 29 September 1978

It is now one month since I submitted to the Security Council my report (S/12827) on the implementation of the proposal of the Five. During that time, exhaustive studies of my report have been undertaken by the parties concerned and I and my staff have conducted intensive consultations with them. These have revealed a number of concerns regarding which I believe it would be useful if I gave an explanation of the way in which the Special Representative would carry out his mandate. My recommendations are based on the tasks which the proposal contained in document S/12636 of 10 April 1978 explicitly mandated the United Nations Transition Assistance Group (UNTAG) to perform. Were we to follow any other course, these tasks could not be credibly performed.

Concern has been expressed by some members of the Security Council over the cost of this exercise. I recognize that this is a particularly heavy burden for Members to bear and of course I shall try to ensure that the mandate will be carried out in the most economical manner possible. All Members will recognize, however, that the most important consideration is the ability of UNTAG successfully to carry out the tasks assigned to it in the proposal. In the absence of a credible United Nations presence, incidents might take place, intentionally or otherwise, that might lead to a resumption of hostilities. Clearly this would vitiate the whole purpose of UNTAG, which is to ensure that elections will take place freely and fairly in conditions of peace.

I should also like to make some observations about the buildup of the military component of UNTAG. When my Special Representative, accompanied by advisers, visited Namibia, his military adviser, Major-General Philipp, was given access to the military installations in the country, and he was able to hold detailed discussions with the South African military on the local conditions in relation to the tasks which the UNTAG military component will have to take up in order to fulfil the mandate. The part of my report on this subject is, of course, an estimate. It is an estimate based upon reliable professional judgement and experience in the light of the tasks

to be performed and of previous United Nations experience as well as the rules and regulations governing the deployment of United Nations personnel. The military component of UNTAG will be built up gradually and will be introduced, for practical as well as other reasons, by stages. The figure of 7,500 men—which includes 2,300 for logistics—would be the authorized upper limit of the military component, and it is obvious that its actual size at any given time will depend upon the development of the general situation, which I shall keep under constant review, undertaking such consultations as may be necessary. Such factors as the co-operation extended by the parties, the maintenance of cease-fire and the security situation will obviously be very important in this regard. I am also studying means by which at least some of the logistic functions of the military component can be carried out by civilian agencies.

I should also like to make some observations about the procedure by which such United Nations military components are constituted. Although I and my staff have obviously made very informal and preliminary moves to prepare for the task which may be assigned to us by the Security Council, I wish to stress here that no commitments concerning military contingents have been made. Nor could such commitments be made in view of the statement in my report to the Council that "the contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographical representation". I wish to emphasize here that in the past this process of consultation has been successfully undertaken, thereby ensuring the co-operation of all parties, without which such an enterprise cannot be successful.

The objective of the United Nations under Security Council resolution 431(1978) is the supervision and control of the entire electoral process. My Special Representative has also to satisfy himself that conditions are established which will allow free and fair elections and an impartial electoral process.



But before the electoral process can begin, it is necessary that conditions should be such that they will facilitate it. According to the proposal set out in document S/12636, a general cessation of hostile acts will take place immediately after the Security Council has passed a resolution approving my report. In this connection, I note that the South West Africa People's Organization and South Africa have each indicated their willingness to observe a cease-fire provided the other does the same. As I have stated in my report, and as is clearly envisaged in paragraphs 4 and 12 of the proposal, the co-operation of all concerned is essential to the success of UNTAG. I welcome the assurances I have received from the neighbouring States, and I intend to instruct my Special Representative, as soon as my report is adopted, to explore with them practical ways to facilitate his task.

In paragraphs 29 and 30 of my report I intended to indicate how the Special Representative would fulfil his responsibilities concerning the existing police. According to document S/12636, primary responsibility for maintaining law and order in Namibia during the transition period shall rest with the existing police. However, the Special Representative is also given explicit responsibilities:

- a. To satisfy himself that the Administrator-General ensures the good conduct of the police force;
- b. To satisfy himself that the Administrator-General takes the necessary action to ensure the suitability of the police for continued employment during the transition period;
- c. To make arrangements when appropriate for United Nations personnel to accompany the police forces in the discharge of their duties.

It was therefore necessary to have designated personnel at the disposal of the Special Representative to ensure that these monitoring responsibilities would be satisfactorily performed. Moreover, I concluded that, for reasons of safety and effectiveness, these tasks would best be performed by civilian personnel who were professionally qualified. Concern has also been expressed as to whether the number of United Nations personnel to monitor the police is appropriate to the tasks they are expected to perform. I shall of course keep this question under continuous review.

A number of considerations have been raised regarding the timing of elections and the date of independence for Namibia. As indicated in my report, a majority of the political parties is of the opinion that it is essential to maintain the orderly phases of the preparatory stages and to allow sufficient time for electoral campaigning in order to ensure free and fair elections. Surely, the objective is not simply the holding of elections by a certain date, but the holding of elections which are manifestly free and fair.

It is essential that all aspects of the electoral process should be beyond reproach and, equally important, that this should be apparent. Various parties have expressed concern over the process of registration for elections, and a number of complaints about the existing registration have been brought to my notice. The proposal makes clear that at each stage of the entire electoral process the Special Representative must satisfy himself as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures take effect.

Clearly, therefore, the Special Representative, on arrival in the Territory, will look afresh at all the processes and measures, including the registration of voters, in order to satisfy himself that these are fair and appropriate. Accordingly, the Special Representative will review the registration process, and I can assure all parties that no registration process will receive his approval until he is fully satisfied as to its fairness. In accordance with paragraph 10 of document S/12636, the Special Representative will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter.

In conclusion, I should like to emphasize once again that the implementation of my report will depend on the co-operation and understanding of all the parties concerned, and of course of all members of the Security Council. In this connection, I am glad to note that the five Western Governments have given me full assurances of their continued good offices to facilitate the implementation of the report. To this end, my Special Representative will also conduct such further consultations as are deemed necessary. I also trust that the clarifications which I have just given will serve to meet the concerns of all the parties.

NOTE: On 24 September 1982 it was confirmed to the United Nations Secretary General that the following 'informal understanding', or 'impartiality package', had been agreed by South Africa, the Western Contact Group, SWAPO, the African Front Line States and Nigeria. The document was never made public.

#### NAMIBIA: INFORMAL CHECK LIST

Upon resolution of the outstanding issues, in part through informal understandings between the Five and the parties and in part through agreement between the parties and the UN Secretariat, it is proposed that the Five should address a letter to the President of the Security Council recording in outline the agreements reached. Thereafter it is foreseen that the Secretary General would make a report to the Security Council recommending implementation of SCR 435 on the above basis. It is hoped that the Security Council would then adopt a brief resolution endorsing the agreements reached on Phase I and II, reaffirming the need for impartiality in the transition, and triggering implementation of SCR 435.

( continued over.....)

1. The elections will be under the supervision and control of the UN and the UN Special Representative (UNSR) must be satisfied at each stage of that process as to the fairness and appropriateness of all measures affecting the political process at all levels of administration before such measures take effect.

ACTION: Agreed, and approved by SCR 435.

2. Full freedom of speech, assembly, movement and press shall be guaranteed.

ACTION: Agreed, and approved by SCR 435.

3. All legislation - including proclamations by the Administrator-General (AG) - that are inconsistent with the plan must be repealed. All discriminatory or restrictive laws, regulations or administrative measures which might abridge or inhibit free and fair elections must be repealed.

ACTION: Agreed, and approved by SCR 435.

4. The AG must make arrangements for the release, prior to the beginning of the electoral campaign, of all Namibian political prisoners or political detainees held by the South African authorities.

ACTION: Agreed, and approved by SCR 435.

5. All Namibians in exile shall have the right of peaceful return so that they can participate fully and freely in the elections without risk of arrest, detention, intimidation or imprisonment.

ACTION: Agreed, and approved by SCR 435.

6. The UN has made provisions to finance the return of those detainees and those in exile (\$33 million in original UN budget estimate).

ACTION: Agreed, and approved by SCR 435.

7. Council of Ministers and National Assembly: UN SCR 435 declares that all unilateral measures taken by the illegal administration in Namibia in relation to the transfer of power are null and void. The December 1978 elections held in Namibia are null and void. No recognition has been accorded either by the UN or any member state (other than South Africa) to any representatives or organs established by that process. Accordingly, only the Administrator General and UNSR will exercise authority during the transition period within Namibia consistent with the settlement plan and will do so impartially.

ACTION: Endorsed by SCR 435; confirmed with South Africa.

8. Impartiality provisions to be covered by final Security Council enabling resolution: the resolution should emphasize responsibility of all concerned to cooperate to ensure impartial implementation of the settlement plan. The Secretary General and UN bodies should be directed to act impartially according to the settlement plan and the Secretary General should be directed to:

- (a) initiate a review of all programmes administered by organs of the UN with respect to Namibia to ensure that they are administered on an impartial basis;

- (b) Seek the cooperation of the executive heads of the specialized agencies and other organizations and bodies within the UN system to ensure that their activities with respect to Namibia are conducted impartially.

ACTION: Final impartiality language, cleared with the parties to the negotiation, is contained in the draft letter of the Five to the President of the Security Council and in the relevant draft paragraphs of the Secretary General's report. Paragraph 3 of the draft letter of the Five also provides the language to be used in the Security Council resolution.

9. At the Security Council meeting to authorize implementation of SCR 435, speakers should be kept to a minimum. Specifically, none of the parties to the election or to the ceasefire would speak.

ACTION: Agreed; all concerned will make their best efforts to ensure this.

10. Consideration of the question of Namibia at the regular General Assembly should be suspended during the transition period.

ACTION: Agreement has been reached between the Five and the Front Line States that all concerned will use their best endeavors to ensure this.

11. The UN will not provide funds for SWAPO or any other party during the transition period.

ACTION: An informal understanding has been reached between the Five, the Front Line States and SWAPO and will be conveyed to the Secretariat.

12. The UN Council for Namibia should refrain from engaging in all public activities once the Security Council meets to authorize implementation.

ACTION: An informal understanding has been reached between the Five, the Front Line States and SWAPO on how this might be achieved

13. The Commissioner for Namibia and his Office should suspend all political activities during the transition period.

ACTION: An informal understanding has been reached between the Five and the Front Line States on how the Office of the Commissioner could do this while continuing its role in the administration of programmes of assistance in an impartial and fair manner.

14. SWAPO will voluntarily forego the exercise of the special privileges granted to it by the General Assembly, including participation as an official observer in the General Assembly and in other bodies and conferences within the UN system.

ACTION: Agreed.

15. Monitoring the SWA Police Force: the UN Plan provides that the primary responsibility for maintaining law and order in Namibia during the transition period shall rest with the existing police forces. The AG to the satisfaction of the UNSR shall insure the good conduct of the police forces and shall take the necessary action to ensure their suitability for continued employment during the transition period. The UNSR shall make arrangements when appropriate for UN personnel to accompany the police forces in the discharge of their duties. The police forces would be limited to the carrying of small arms in the normal performance of their duties. The UN Plan also provides that the UNSR will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter. The Secretary General has provided that designated personnel will be at the disposal of the UNSR to ensure that these monitoring responsibilities will be satisfactorily performed. For reasons of safety and effectiveness, these tasks will be performed by civilian personnel who are professionally qualified. The number of UN personnel to monitor the police appropriate to the tasks they are expected to perform will be kept under continuous review.

ACTION: Agreed and approved by SCR 435.

16. South West Africa Territorial Force: The UN Plan specifies that the UNTAG military component will monitor "the demobilization of citizen forces, commandos, and ethnic forces, and the dismantling of their command structure." UNTAG will monitor the demobilization of SWATF and the dismantling of its command structure.

17. Composition of the UNTAG military component will be decided by the Security Council on the recommendation of the Secretary General after due consultation. Final arrangements for the military component of UNTAG including monitoring of SWAPO facilities in Angola and Zambia will be decided by the Secretary General, after due consultation.

ACTION: Secretary General.



# Namibia: S/15287



United Nations

Letter (S/15287) dated 12 July 1982 from the Representatives of Canada, France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Secretary-General

*On instructions from our Governments we have the honour to transmit to you the text of Principles concerning the Constituent Assembly and the Constitution for an independent Namibia put forward by our Governments to the parties concerned in the negotiations for the implementation of the proposal for a settlement of the Namibian situation (S/12636) in accordance with Security Council resolution 435(1978).*

*We have pleasure in informing you that all parties to the negotiation now accept these Principles. Our Governments believe that a decision on the method to be employed to elect the Constituent Assembly should be made in accordance with the provision of Council resolution 435(1978). All parties are agreed that this issue must be settled in accordance with the terms of resolution 435(1978) and that the issue must not cause delay in the implementation of that resolution. In this regard, our Governments are in consultation with all parties...*

## Annex

### Principles concerning the Constituent Assembly and the Constitution for an Independent Namibia

#### A. Constituent Assembly

1. In accordance with United Nations Security Council resolution 435(1978), elections will be held to select a Constituent Assembly which will adopt a Constitution for an independent Namibia. The Constitution will determine the organization and powers of all levels of government.

- Every adult Namibian will be eligible, without discrimination or fear of intimidation from any source, to vote, campaign and stand for election to the Constituent Assembly.
- Voting will be by secret ballot, with provisions made for those who cannot read or write.
- The date for the beginning of the electoral campaign, the date of elections, the electoral system, the preparation of voters rolls and other aspects of electoral procedures will be promptly decided upon so as to give all political parties and interested persons, without regard to their political views, a full and fair opportunity to organize and participate in the electoral process.
- Full freedom of speech, assembly, movement and press shall be guaranteed.

- The electoral system will seek to ensure fair representation in the Constituent Assembly to different political parties which gain substantial support in the elections.

2. The Constituent Assembly will formulate the Constitution for an independent Namibia in accordance with the principles in part B below and will adopt the Constitution as a whole by a two-thirds majority of its total membership.

#### B. Principles for a Constitution for an Independent Namibia

1. Namibia will be a unitary, sovereign and democratic State.
2. The Constitution will be the supreme law of the State. It may be amended only by a designated process involving the legislature or votes cast in a popular referendum, or both.
3. The Constitution will determine the organization and powers of all levels of government. It will provide for a system of government with three branches: an elected executive branch which will be responsible to the legislative branch; a legislative branch to be elected by universal and equal suffrage which will be responsible for the passage of all laws; and an independent judicial branch which will be responsible for the interpretation

of the Constitution and for ensuring its supremacy and the authority of the law. The executive and legislative branches will be constituted by periodic and genuine elections which will be held by secret vote.

4. The electoral system will be consistent with the principles in A.1 above.

5. There will be a declaration of fundamental rights, which will include the rights to life, personal liberty and freedom of movement; to freedom of conscience; to freedom of expression, including freedom of speech and a free press; to freedom of assembly and association, including political parties and trade unions; to due process and equality before the law; to protection from arbitrary deprivation of private property or deprivation of private property without just compensation; and to freedom from racial, ethnic, religious or sexual discrimination.

The declaration of rights will be consistent with the provisions of the Universal Declaration of Human Rights. Aggrieved individuals will be entitled to have the courts adjudicate and enforce these rights.

6. It will be forbidden to create criminal offences with retrospective effect or to provide for increased penalties with retrospective effect.

7. Provision will be made for the balanced structuring of the public service, the police service and the defence services and for equal access by all to recruitment of these services. The fair administration of personnel policy in relation to these services will be assured by appropriate independent bodies.

8. Provision will be made for the establishment of elected councils for local or regional administration, or both.

# Namibia: S/20412



United Nations

## Further Report of the Secretary-General (S/20412) concerning the Implementation of Security Council Resolutions 435(1978) and 439(1978) concerning the Question of Namibia, 23 January 1989

### Introduction

1. On 27 October 1987 I submitted to the Security Council my report (S/19234) on the question of Namibia. Part I of the present report contains an account of developments since 30 October 1987 relating to the implementation of the United Nations plan for Namibia. Part II contains the Secretary-General's recommendations for the implementation of resolution 435(1978) with effect from 1 April 1989 and responds to the request contained in paragraphs 5 and 6 of resolution 629(1989) as to the requirements for the United Nations Transition Assistance Group (UNTAG).

### I

2. The Security Council resumed its consideration of the question of Namibia at its 2755th meeting on 28 October 1987 and continued its discussion of the item at its 2756th to 2759th meetings, on 29 and 30 October 1987. At its 2759th meeting on 30 October 1987, the Security Council adopted resolution 601(1987), the text of which reads as follows:

*"The Security Council,*

*Having considered the reports of the Secretary-General of the United Nations of 31 March 1987 and 27 October 1987,*

*Having heard the statement by the President of the United Nations Council for Namibia,*

*Having also considered the statement by Mr. Theo-Ben Gurirab, Secretary for Foreign Affairs of the South West Africa People's Organization,*

*Recalling General Assembly resolutions 1514(XV) of 14 December 1960 and 2145(XXI) of 27 October 1966 as well as resolution S-14/1 of 20 September 1986,*

*Recalling and reaffirming its resolutions 269(1969), 276(1970), 301(1971), 385(1976), 431(1978), 432(1978), 435(1978), 439(1978), 532(1983), 539(1983) and 566(1985),*

1. *Strongly condemns* racist South Africa for its continued illegal occupation of Namibia and its stubborn refusal to comply with the resolutions and decisions of the Security Council, in particular resolutions 385(1976) and 435(1978);

2. *Reaffirms* the legal and direct responsibility of the United Nations over Namibia;

3. *Affirms* that all outstanding issues relevant to the implementation of its resolution 435(1978) have now been resolved as stated in the Secretary-General's reports of 31 March and 27 October 1987;

4. *Welcomes* the expressed readiness of the South West Africa People's Organization to sign and observe a cease-fire agreement with South Africa, in order to pave the way for the implementation of Security Council resolution 435(1978);

5. *Decides* to authorize the Secretary-General to proceed to arrange a cease-fire between South Africa and the South West Africa People's Organization in order to undertake the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group;

6. *Urges* States Members of the United Nations to render all the necessary practical assistance to the Secretary-General and his staff in the implementation of the present resolution;

7. *Requests* the Secretary-General to report to the Security Council on the progress in the implementation of the present resolution and to submit his report as soon as possible;

8. *Decides* to remain seized of the matter."

3. In a communication dated 11 November 1987 (S/19290), Mr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO), assured me of the fullest co-operation of SWAPO in respect of the mandate entrusted to me by Security Council resolution 601(1987). He reiterated the readiness of SWAPO to proceed immediately to sign and observe a cease-fire agreement with South Africa in accordance with the provisions of the United Nations plan, as endorsed by the Council in its resolution 435(1978).

4. I held consultations with H. E. Mr. José Eduardo dos Santos, President of Angola, in Luanda on 18 February 1988, to review developments in south-western Africa. He expressed support for my efforts to facilitate a peaceful settlement and said that Angola would continue to support the action of the United Nations to bring about peace in the region. To this end, he

informed me that Angola was prepared to take new practical steps towards the attainment of that objective, including the initiation of peace talks with the Government of South Africa.

5. I also met with the President of SWAPO in Luanda on 18 February 1988, to discuss the implementation of Security Council resolution 601(1987). I informed him that I had not received a definitive response from South Africa in regard to the cease-fire called for in Security Council resolution 601(1987). He informed me that SWAPO was prepared to demonstrate flexibility in order to facilitate a settlement. In this connection, he stated that, while all constructive efforts to break the current impasse were welcome, no solution to the Namibian problem was acceptable outside the framework of resolution 435(1978).

6. In subsequent discussions with the Permanent Representative of South Africa on paragraph 5 of Security Council resolution 601(1987), I was informed that the Government of South Africa was not at war with any of the parties in Namibia. The Permanent Representative reiterated the position of the Government of South Africa that agreement must be reached on the withdrawal of all Cuban troops from Angola prior to the implementation of Security Council resolution 435(1978).

7. Delegations of Angola, Cuba, and South Africa, through the mediation of the Government of the United States of America, met in London, Cairo, New York and Geneva between 3 May and 5 August 1988. Their discussions were aimed at achieving a regional settlement of the conflict in south-western Africa. In New York they reached agreement, *ad referendum* to their Governments, on a basic document entitled "Principles for a peaceful settlement in south-western Africa" (see annex). This document, which was initialled by the delegations of Angola, Cuba and South Africa on 13 July 1988, was approved by their respective Governments the following week and released publicly by mutual agreement on 20 July 1988.

8. Following further discussions from 2 to 5 August 1988 in Geneva, the delegations of Angola, Cuba and South Africa agreed on a sequence of steps necessary to prepare the way for the independence of Namibia in accordance with Security Council resolution 435(1978) and to achieve peace in south-western Africa. They agreed to recommend to me the date of 1 November 1988 for the implementation of Security Council resolution 435(1978) to begin. Further, the parties approved, *ad referendum* to their respective Governments, the text of a tripartite agreement that embodied, in binding treaty form, the principles negotiated in New York and published on 20 July 1988. On their side, Angola and Cuba reiterated their decision to subscribe to a bilateral accord which

would include a timetable acceptable to all parties for the staged and total withdrawal of Cuban troops from Angola. The parties approved a comprehensive series of practical steps that would enhance mutual confidence, reduce the risk of military confrontation and create the conditions in the region necessary to conclude the negotiations. With the approval of these measures, a *de facto* cessation of hostilities came into effect. These agreements were embodied in the Geneva Protocol of 5 August 1988, which was approved by the Governments of Angola, Cuba and South Africa. On 8 August 1988, those three Governments and the Government of the United States of America issued a joint statement on the outcome of their negotiations (see S/20109, annex).

9. On 8 August 1988, the Foreign Minister of South Africa confirmed to me, in terms of the provisions of paragraph 5 of the Geneva Protocol, the South African Government's commitment to adopt the necessary measures of restraint in order to maintain the existing *de facto* cessation of hostilities.

10. On 12 August 1988, the President of SWAPO informed me (S/20129) that SWAPO had agreed to comply with the commencement of the cessation of all hostile acts, in accordance with the Geneva agreement. He also stated that SWAPO would be ready to continue to abide by that agreement until the formal cease-fire under resolution 435(1978). He stated that the cessation of SWAPO's combat actions against the South African forces in Namibia would only hold provided that South Africa also showed the necessary political will to do the same.

11. The parties to the talks on the situation in south-western Africa kept me informed of the progress of their negotiations. In my exchanges of views with them, I welcomed the agreements reached and urged them to redouble their efforts to facilitate a settlement. All confirmed their recommendation of the date of 1 November 1988 for the beginning of the implementation of Security Council resolution 435(1978), in accordance with the Geneva Protocol.

12. A meeting of the Heads of State of the front-line States was held at Luanda on 8 August 1988. In a communiqué issued after the meeting, the Heads of State expressed their satisfaction and gave their total support for the results outlined in the joint statement issued at Geneva on 8 August 1988. They called upon the parties concerned to avoid any action that might jeopardize the negotiations. After having noted the positive evolution of the negotiations, with particular emphasis on the quadripartite meeting held at Geneva, the Heads of State requested the Secretary-General of the United Nations to take measures aimed at the implementation of Security Council resolution 435(1978).

13. On 30 August 1988, I received a communication from the Permanent Representative of South Africa, stating that, in keeping with the spirit of the discussions between South Africa, Angola and Cuba, with United States mediation, which were aimed at securing a peaceful solution to the situation in south-western Africa, South Africa had, on 30 August 1988, completed the withdrawal of its troops from Angolan territory, in accordance with an undertaking given during the course of the discussions at Geneva.

14. Earlier, on 8 August 1988, I had received a communication from the Foreign Minister of South Africa, in which he informed me that, since the implementation of resolution 435(1978) was one of the important objectives of the Geneva Protocol, the South African Government considered it imperative that I should become involved at that stage. Accordingly, he informed me that the South African State President was inviting me to visit South Africa with a view to discussing preparations for the implementation of resolution 435(1978) and related matters, such as the decisive importance of impartiality on the part of the Secretary-General and the Security Council of the United Nations. He anticipated that my visit would expedite the steps envisaged in the Geneva Protocol.

15. On 17 August 1988, I met with Mr. Derek Auret, Special Envoy of the South African Foreign Minister. He informed me that he had been asked by the Foreign Minister to stress the importance the Government of South Africa attached to the invitation it had extended to me and to urge me to accept it as a matter of priority. He emphasized that the President of South Africa believed that my visit would facilitate the peace process in south-western Africa and would stimulate and move forward the process for a settlement.

16. With regard to the question of impartiality raised in the Foreign Minister's letter, I emphasized to his Special Envoy that agreement had been reached on that issue in previous discussions with South Africa and that this had been reflected in my report to the Security Council (S/15943, para. 17) after my visit to South Africa in August 1983. Following further exchanges of views on the Foreign Minister's letter, it was agreed that discussions would not be reopened on matters regarding which agreements had already been reached. It was also understood that any discussions envisaged with the Government of South Africa would be held within the framework of relevant decisions of the Security Council and the mandate entrusted to me as Secretary-General. I asked the Special Envoy to convey to the Foreign Minister my acceptance of the invitation by his President, subject to agreement on a mutually convenient date for my visit.

17. I subsequently confirmed to the Government of South Africa that I would be available to visit South Africa from 21 to 23 September 1988. I also accepted an invitation from the President of Angola to visit Luanda on 23 and 24 September 1988 to hold discussions with him on the situation in south-western Africa.

18. I was accompanied on my visit to South Africa and Angola by Mr. Martti Ahtisaari, my Special Representative for Namibia; Mr. Abdulrahim A. Farah, Under-Secretary-General for Special Political Questions, Regional Co-operation, Decolonization and Trusteeship; and Mr. Marrack Goulding, Under-Secretary-General for Special Political Affairs.

19. In Pretoria, on 22 September 1988 I met with Foreign Minister Botha, General Magnus Malan, Minister of Defence, and Mr. L. A. Pienaar, Administrator-General of Namibia. My discussions with the Foreign Minister focused on practical arrangements for the implementation of Security Council resolution 435(1978). I held discussions later the same day with representatives of the internal parties of Namibia, who had come to Pretoria to exchange views with me on the United Nations plan for Namibia. The next day, 23 September 1988, I met with the State President and held extensive discussions with him, both on the question of Namibia and on the general situation in the region.

20. The State President reiterated to me South Africa's commitment to the Geneva Protocol of 5 August 1988, by which the parties to the Protocol, including South Africa, had agreed on a sequence of steps necessary to prepare the way for the implementation of Security Council resolution 435(1978) and to achieve peace in south-western Africa. In this connection, he reaffirmed the recommendation that the implementation of Security Council resolution 435(1978) should begin on 1 November 1988. He stated that implementation could start as soon as agreement was reached on the total withdrawal of Cuban troops from Angola, as called for in the Geneva Protocol, and that South Africa would continue its efforts within the context of the talks on south-western Africa, in order to expedite agreement.

21. In response, I informed the State President that I was encouraged by the progress made at the talks on the situation in south-western Africa and urged all concerned, including South Africa, to make a renewed and determined effort at the next round to facilitate a settlement.

22. I informed the State President that I had set in motion the administrative machinery for the emplacement of UNTAG in Namibia. In this connection, I urged the Government of South Africa to extend its co-operation to the United Nations, particularly in respect of facilities and services which would be required by UNTAG in

Namibia during the transitional period. Following these exchanges of views with the State President. I reached agreement with the Government of South Africa on the dispatch of a United Nations technical team to visit Namibia and South Africa as a matter of urgency, in order to update plans concerning administrative and logistic requirements, as well as budgetary provisions, for UNTAG. The technical mission was to review the situation on the ground in Namibia, hold discussions with its South African counterparts and collect, at first hand, necessary technical information and data. The technical mission duly visited Namibia and South Africa between 2 and 23 October 1988.

23. In my discussions in Pretoria, it was also agreed to finalize for signature the draft agreement on the status of UNTAG, in order to establish the legal status of UNTAG and its personnel in Namibia. This has now been done in principle. I also reviewed with the State President developments concerning the military component of UNTAG which had taken place since my last visit to South Africa in August 1983. I explained that further consultations would be necessary, especially as regards the logistic elements of the military component, before its composition could be finalized.

24. I further confirmed to the State President that agreement had been reached on the system of proportional representation for the elections envisaged in Security Council resolution 435(1978). I also confirmed that the text of the Principles concerning the Constituent Assembly and the Constitution of an independent Namibia (S/15287) constituted an integral part of the United Nations plan (see para. 35 below).

25. During these discussions, I reiterated to the South African authorities that South Africa remained the interlocutor of the United Nations in regard to the implementation of Security Council resolution 435(1978) and that, in the implementation of the United Nations plan, the Administrator-General of the Territory must assume the full functions entrusted to him in the settlement proposal (S/12636) as the counterpart of my Special Representative.

26. The question of impartiality was raised again in my discussions in Pretoria, both by the South African authorities and by representatives of the internal parties of Namibia. I reaffirmed that agreement had been reached with the Government of South Africa on that issue and that it had been confirmed as such in my report to the Security Council after my visit to South Africa in August 1983 (S/15943, para. 17). I again gave assurances to all concerned of the complete impartiality of the United Nations in the implementation of Security Council resolution 435(1978). I emphasized that I

expected the same from all South African officials in the discharge of their responsibilities in Namibia during the transitional period. So far as the United Nations was concerned, I stressed that all the parties in Namibia would be treated equally on the commencement of implementation of the United Nations plan. I confirmed to the State President that the United Nations would place all the political parties of Namibia on an equal footing during the transitional period leading to independence.

27. I confirmed with the South African authorities the informal understandings reached in 1982 by the front-line States and Nigeria, SWAPO and the Western Contact Group on the question of impartiality in respect of the responsibilities of the Government of South Africa and the United Nations during the transitional period (see paras. 35 and 36 below).

28. On the completion of my visit to South Africa, I proceeded to Luanda on 23 September 1988 and held discussions on the same day with President José Eduardo dos Santos on the situation in south-western Africa. He informed me of the progress made at the talks on the situation in south-western Africa and assured me that the Government of Angola would continue with its efforts in the negotiations in order to facilitate a settlement. Among other things, he confirmed to me that South Africa had completed the withdrawal of its troops from Angola on 30 August 1988. In this connection, he emphasized that the objectives of Security Council resolution 602(1987) had been fulfilled. My visit to Luanda also provided me with the opportunity of exchanging views with the President of SWAPO and of informing him of the outcome of my visit to Pretoria.

29. At the 2827th meeting of the Security Council, held on 29 September 1988, the President of the Security Council made a statement on behalf of the members of the Council concerning the question of Namibia (S/20208). The members of the Council stated that they supported the action I had taken in regard to the implementation of Security Council resolution 435(1978) and encouraged me to continue my efforts to that end. They took particular note of developments in previous weeks by some of the parties to find a peaceful solution to the conflict in south-western Africa. The nature of the efforts was reflected in the joint statement of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States. The members of the Council urged the parties to display the necessary political will to translate the commitments they had made into reality in order to bring about a peaceful settlement of the Namibian question and peace and stability in the region. In particular, they strongly urged South Africa to comply forthwith with the Security Council's resolutions and

decisions, particularly resolution 435(1978), and to cooperate with the Secretary-General in its immediate, full and definitive implementation. To that end, they urged States Members of the United Nations to render all necessary assistance to the Secretary-General and his staff in the administrative and other practical steps necessary for the emplacement of UNTAG.

30. Following the signing of the Geneva Protocol on 5 August 1988, delegations of Angola, Cuba and South Africa, through the mediation of the Government of the United States, held five meetings at Brazzaville, between 24 August and 13 December 1988, to continue negotiations towards a peaceful solution of the conflict in south-western Africa. I was represented at Brazzaville by my Special Representative for Namibia. On 13 December 1988, the Governments of Angola, Cuba and South Africa signed the Brazzaville Protocol (S/20325) by which the parties agreed to recommend to me that 1 April 1989 be established as the date for the implementation of Security Council resolution 435(1978).

31. As agreed in the Brazzaville Protocol, the parties met on 22 December 1988 in New York at United Nations Headquarters for signature of the tripartite agreement prepared in Geneva in August (S/20346) and for signature by Angola and Cuba of a bilateral agreement relating to the withdrawal of Cuban troops from Angola (S/20345). In anticipation of the latter, the Security Council had, on 20 December 1988, unanimously decided, by its resolution 626(1988), to establish under its authority the United Nations Angola Verification Mission (UNAVEM), for a period of 31 months, to verify implementation of the bilateral agreement. In its resolution 628(1989) the Council welcomed the signature of the tripartite and bilateral agreements and expressed its full support for those agreements.

32. Following the signing of the tripartite and bilateral agreements on 22 December 1988, I met on the same day with the Foreign Minister and with the Defence Minister of South Africa to exchange views on the implementation of Security Council resolution 435(1978). They confirmed South Africa's agreement to recommend to me that 1 April 1989 be the date for the implementation of Security Council resolution 435(1978) and stated that the Government of South Africa was ready to extend all necessary co-operation with regard to the responsibilities entrusted to me for the implementation of the United Nations plan for Namibia.

## II

33. At its 2842nd meeting on 16 January 1989, the Security Council unanimously adopted resolution 629(1989), the text of which reads as follows:

*"The Security Council,*

*Reaffirming its relevant resolutions, in particular resolutions 431(1978) of 27 July 1978 and 435(1978) of 29 September 1978,*

*Taking note of its resolution 628(1989) of 16 January 1989,*

*Noting that the parties to the Protocol of Brazzaville, contained in document S/20325 of 14 December 1988, agreed to recommend to the Secretary-General that 1 April 1989 be established as the date for the implementation of resolution 435(1978),*

*Recognizing the progress in the south-western African peace process,*

*Expressing concern at the increase in the police and paramilitary forces and the establishment of the South West Africa Territory Force since 1978, and stressing the need to ensure conditions under which the Namibian people will be able to participate in free and fair elections under the supervision and control of the United Nations,*

*Noting also that these developments make appropriate a re-examination of the requirements for the United Nations Transition Assistance Group effectively to fulfil its mandate which include, inter alia, keeping borders under surveillance, preventing infiltration, preventing intimidation and ensuring the safe return of refugees and their free participation in the electoral process,*

*Recalling the approval by the Security Council of the Secretary-General's statement on 28 September 1978 to the Security Council (S/12869),*

*Emphasizing its determination to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations, in accordance with its resolution 435(1978) of 29 September 1978,*

*Reaffirming the legal responsibility of the United Nations over Namibia,*

1. *Decides* that 1 April 1989 shall be the date on which implementation of resolution 435(1978) will begin;

2. *Requests* the Secretary-General to proceed to arrange a formal cease-fire between the South West Africa People's Organization and South Africa;

3. *Calls upon* South Africa to reduce immediately and substantially the existing police forces in Namibia with a view to achieving reasonable balance between these forces and the United Nations Transition Assistance Group so as to ensure effective monitoring by the latter;

4. *Reaffirms* the responsibility of all concerned to co-operate to ensure the impartial implementation of the settlement plan in accordance with resolution 435(1978);

5. *Requests* the Secretary-General to prepare at the earliest possible date a report to the Council on the

implementation of resolution 435(1978), taking into account all relevant developments since the adoption of that resolution;

6. *Requests* also the Secretary-General, in preparing his report, to re-examine requirements necessary for the United Nations Transition Assistance Group in order to identify wherever possible tangible cost-saving measures without prejudice to his ability fully to carry out its mandate as established in 1978, namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;

7. *Calls upon* Members of the United Nations to consider, in co-ordination with the Secretary-General, how they might provide economic and financial assistance to the Namibian people, both during the transitional period and after independence."

This part of the present report is submitted in pursuance of paragraphs 5 and 6 of the above resolution.

34. In its resolution 435(1978), adopted on 29 September 1978, the Security Council had approved the Secretary-General's report of 29 August 1978 (S/12827), together with his explanatory statement of 28 September 1978 (S/12869). That report, with the explanatory statement, detailed arrangements for the implementation of the proposal for a settlement of the Namibian situation which had been put forward on 10 April 1978 by the five Western members of the Security Council (the "Western Contact Group") (S/12636). The settlement proposal and the Secretary-General's report on its implementation had been exhaustively negotiated with all the parties concerned.

35. The United Nations plan for Namibia includes agreements and understandings reached by the parties since the adoption of Security Council resolution 435 (1978) and confirmed as such to the Secretary-General. These agreements and understandings remain binding on the parties. In this connection, I wish to draw attention to the following:

a. The agreement reached in 1982 that UNTAG, with the co-operation of host Governments and in the context of implementation of Security Council resolution 435(1978), would monitor SWAPO bases in Angola and Zambia (S/15776);

b. Informal understandings reached in 1982 on the question of impartiality (see also para. 36 below);

c. The text of the Principles concerning the Constituent Assembly and the Constitution of an independent Namibia which was transmitted to the Secretary-General on 12 July 1982 (S/15287);

d. The agreement reached in November 1985 (S/17658) on the system of proportional representation for the elections envisaged in Security Council resolution 435(1978).

36. With regard to subparagraph b above, the informal understandings, also known as the impartiality package, include undertakings by the Western Contact Group, the front-line States and Nigeria and SWAPO, with respect to activities within the United Nations system once the Security Council meets to authorize the implementation of Security Council resolution 435(1978). The informal understandings also detail corresponding obligations on the part of the Government of South Africa in order to ensure free and fair elections in Namibia. At a meeting on 24 September 1982 the representatives of the front-line States and Nigeria, SWAPO and the Western Contact Group jointly confirmed to me the agreements they had reached in respect of the impartiality package and presented me with a check-list of their informal understandings. All the parties at the meeting confirmed to me their agreement to the informal understandings contained in their check-list. In separate discussions with the Western Contact Group, the Government of South Africa also confirmed its agreement to those understandings which relate to its responsibilities under the settlement plan.

37. Members of the Council will recall that, in the second paragraph of the explanatory statement of 28 September 1978, the Secretary-General recognized that the cost of UNTAG would be a particularly heavy burden for Members to bear and stated that he would of course try to ensure that the mandate was carried out in the most economical manner possible. This has been an imperative guideline for the Secretariat in its detailed planning for the implementation of the settlement proposal for Namibia.

38. As approved in Security Council resolution 435(1978), the civilian component of UNTAG will consist of two elements. Its non-police element will have the function of assisting the Special Representative in implementing paragraphs 5 to 7 of the settlement proposal and the relevant sections of the annex thereto (S/12636). In this connection, the settlement proposal makes provision for each stage of the electoral process and in regard to all measures affecting the political process at all levels of administration. It states that every adult Namibian, without discrimination or fear of intimidation from any source, will be eligible to vote, campaign and stand for election to the Constituent Assembly. It makes provision for secret ballot and for full freedom of speech, assembly, movement and the press. It requires that the



electoral machinery ensure that all political parties and interested persons, without regard to their political views, shall have a full and fair opportunity to organize and participate in the electoral process. It requires the repeal of all remaining discriminatory or restrictive measures which might abridge the objective of free and fair elections and the release of all political prisoners or detainees so that they can fully and freely participate in the electoral process, without fear of arrest, detention, intimidation or imprisonment. The proposal also provides for the peaceful return of all Namibians in exile so that they, too, may fully and freely participate in the electoral process without risk of arrest, detention, intimidation or imprisonment. It stipulates that all Namibians be given a full and voluntary choice whether to return. It requires that my Special Representative take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter. Compliance with all the criteria indicated in the settlement proposal is a guiding principle for me and will be scrupulously ensured by my Special Representative and his staff.

39. Taking these factors into account, no further savings could be found in respect of the plans for the Special Representative of the Secretary-General and his staff and for the administrative personnel of UNTAG, beyond those which have resulted from consolidations deriving from a review of 1978 plans undertaken some years ago. As regards the electoral element in the civilian component of UNTAG, the precise number of electoral supervisors required will depend on the detailed arrangements for the election which, in accordance with the settlement proposal, will be worked out by my Special Representative and the Administrator-General, in the context of their respective functions, once the implementation of the United Nations plan has begun (S/17658). In these circumstances, I propose to maintain the present provision for about 800 electoral supervisors.

40. As regards UNTAG's civilian police monitors, the concept was first described in paragraph 9 of the settlement proposal (S/12636). Therein, it is provided that "primary responsibility for maintaining law and order in Namibia during the transition period shall rest with the existing police forces. The Administrator-General, to the satisfaction of the United Nations Special Representative, shall ensure the good conduct of the police forces and shall take the necessary action to ensure their suitability for continued employment during the transition period. The Special Representative shall make arrangements when appropriate for United Nations personnel to accompany the police forces in the discharge of their

duties. The police forces would be limited to the carrying of small arms in the normal performance of their duties". Paragraph 10 of the settlement proposal also provides that the "Special Representative will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter". The tasks of UNTAG's police monitors are also described in paragraphs 29 and 30 of the Secretary-General's report of 29 August 1978 (S/12827) and in his explanatory statement of 28 September 1978 (S/12869). Therein, the Special Representative's responsibilities in this area were summarized as follows:

"a. To satisfy himself that the Administrator-General ensures the good conduct of the police force;

"b. To satisfy himself that the Administrator-General takes the necessary action to ensure the suitability of the police for continued employment during the transition period;

"c. To make arrangements when appropriate for United Nations personnel to accompany the police forces in the discharge of their duties".

41. The Secretary-General has been assured that monitoring by UNTAG of the existing police forces will be fully facilitated. The organizational and deployment format of UNTAG police monitors will follow that of the existing police forces. They will come under the authority of the Special Representative of the Secretary-General from his headquarters at Windhoek and will operate through a number of district headquarters situated throughout the Territory. Each district will have several substations or posts at strategic locations. The number of district and substations will be approximately 30. This number will be kept under constant review. The stations from which UNTAG police monitors will operate will be so located as to enable them to visit all existing police stations in the Territory. UNTAG police monitors will be highly mobile and will also exercise a general overview in regard to the maintenance of law and order in the Territory, in accordance with the mandate of the Special Representative of the Secretary-General.

42. In the Secretary-General's report of 29 August 1978 it was indicated that approximately 360 police monitors, who would be professional policemen seconded by Governments, would be required. The then existing police forces numbered close to 3,000. In his explanatory statement of 28 September 1978 the Secretary-General said that concern had been expressed as to whether the number of United Nations personnel to monitor the police was appropriate to the tasks they were expected to perform. He announced that he would keep the question under continuous review. The concern of the Council has

now also been expressed in resolution 629(1989) regarding, *inter alia*, the increase in police and paramilitary forces in Namibia since 1978 and the need to prevent intimidation. The technical survey mission which visited Namibia in October 1988 was informed that the total number of police in the Territory, including counter-insurgency forces, had risen to approximately 8,300. Of these, the counter-insurgency unit, known as *Koevoet*, was said to number approximately 3,000 personnel. Monitoring the disbandment of counter-insurgency units, including *Koevoet*, will be the concern of the military component of UNTAG, which will ensure such disbandment as part of the military tasks described above, in accordance with the settlement proposal. Even after such disbandment, however, the existing police force will be substantially greater than that present in the Territory in 1978, to which the former proposed figure of 360 related, although they continue for the most part to operate from the same locations. I was informed by the South African Foreign Minister on 22 December 1988 that South Africa intends to reduce the size of the existing police force to 7,100. I was thereafter informed by South Africa of a further reduction to 6,000. I shall continue to keep under constant review the adequacy of the number of police monitors in regard to their tasks. However, in the first place and in the circumstances described above, I have concluded that 360 police monitors will be insufficient. I therefore propose an increase in their number to 500.

43. Under the existing plan, the military component would account for more than 75 per cent of the cost of UNTAG. Its tasks derive from paragraph 8 of the settlement proposal and are set out in more detail in the annex thereto (S/12636). These tasks were further elaborated in the Secretary-General's report of 29 August 1978 (S/12827), which was approved in resolution 435(1978), and in the subsequent detailed operational planning by the Secretariat. They can be summarized as follows:

- a. To monitor the cessation of hostile acts by all parties;
- b. To monitor the restriction of South African Defence Force (SADF) troops to base and their subsequent reduction to the agreed strength of 1,500 men, who will be restricted to certain agreed locations;
- c. To monitor such SADF military personnel as continue to perform civilian functions during the transitional period;
- d. To monitor the dismantling of the command structures of citizen forces, commando units and ethnic forces (now known as "full-time forces" and including the South West Africa Territory Force (SWATF)), the withdrawal of all SADF personnel attached to those

forces, and the confinement of all the arms and ammunition of such forces to agreed locations;

- e. To monitor the restriction of SWAPO troops to base in Angola and Zambia;
- f. To keep the borders under surveillance and prevent infiltration;
- g. To ensure that all military installations along the northern border are deactivated or placed under United Nations supervision and to provide security for vital installations in the northern border area.

In addition, the military component is to assist and support the civilian component of UNTAG in the discharge of its tasks, as may be required. This will include the protection of entry points and reception centres for returning Namibians.

44. In 1978 the Security Council accepted the Secretary-General's judgement that up to 7,500 military personnel would be needed to perform these tasks, consisting of seven infantry battalions, totalling approximately 5,000, plus 200 military observers and, in addition, command, communications, engineer, logistic and air support elements totalling approximately 2,300, all ranks. In his explanatory statement of 28 September 1978 (S/12869) the Secretary-General made it clear that this was an estimate based upon reliable professional judgement, in the light of the tasks to be performed and of previous United Nations experience, as well as of the rules and regulations governing the deployment of United Nations personnel. The military component of UNTAG would be built up gradually and would be introduced by stages. The total of 7,500 military personnel would be the authorized upper limit and the actual size of the military component at any given time would depend upon the development of the general situation, which the Secretary-General would keep under constant review.

45. The deployment plans prepared between 1978 and 1982 provided for the gradual buildup of the military component of UNTAG in stages, up to six infantry battalions, 200 military observers and approximately 2,300 logistic personnel. The seventh battalion was to be held in reserve in its home country. It remains the opinion of my military advisers that deployment at this level would be required if the military component was to be capable of carrying out in full all the military tasks listed in paragraph 43 above. The question therefore becomes one of whether the relevant developments, referred to in resolution 629(1989), make it possible to delete or reduce any of these tasks, thus permitting the deployment of a smaller military component. Only in this way would it be possible to devise the tangible cost-saving measures which the Secretary-General is requested to identify in paragraph 6 of resolution 629(1989).

46. It is clear that many of the tasks enumerated in paragraph 43 above will still be required. These include the monitoring of the dismantling of the citizen forces, commando units and ethnic forces, including SWATF, monitoring SADF forces in Namibia, as well as SWAPO forces in neighbouring countries, and the supervision and security of installations in the northern border area (i.e. items b, c, d, e and g in paragraph 43). These tasks are clearly defined, in the sense that the numbers and locations of the personnel and sites to be monitored or secured are known. It is thus possible to make a reasonably exact estimate of the numbers of United Nations military personnel who will be required. Most of these tasks can be performed by military observers, although armed troops will be required for some of them, notably the guarding of installations in the north and the safe custody of the arms of the citizen forces, commando units and ethnic forces, including SWATF, after these have been deposited in agreed locations.

47. I should like to take this opportunity to clarify paragraph 25 of the Secretary-General's report of 29 August 1978 (S/12827) where it is stated that "the military component, including the monitors, will be provided with weapons of a defensive character". Many of the functions assigned to the "monitors" in the UNTAG operational plan are in fact those performed by unarmed military observers in other United Nations peace-keeping operations. In accordance, therefore, with standard peace-keeping practice, the military observers deployed with UNTAG will not carry weapons.

48. The other tasks enumerated in paragraph 43 above are the monitoring of the cessation of all hostile acts, border surveillance and the prevention of infiltration. By definition, they require the military component of UNTAG to be very extensively deployed at strategic points along the length of the borders and to maintain a highly mobile reserve to react to any hostile acts which might take place during the transition period. Much of the requirement for infantry in the present plan for UNTAG is attributable to these tasks.

49. On 20 December 1988 I received a visit from the permanent representatives of the five permanent members of the Security Council. They informed me that they strongly supported the efforts of the Secretary-General and his staff to help to facilitate the independence of Namibia. They believed that the two agreements to be signed on 22 December at United Nations Headquarters would lead to Namibian independence on 1 April 1990. In this respect, UNTAG would play a crucial role. In order to obtain the necessary support, the five permanent members believed it was necessary to re-examine the plan for UNTAG, taking into account positive

developments in the south-western Africa peace process, as reflected in the above-mentioned agreements. They were convinced that UNTAG could carry out its primary function—to ensure free and fair elections—in a substantially more economical manner. The permanent members therefore hoped that I would begin a thorough review of existing UNTAG plans, particularly with respect to the size of the military component to be deployed, in order to achieve the maximum reduction in costs. This review, they stated, would be completely consistent with the letter and the spirit of resolution 435(1978) and reports which I myself had made to the Council concerning the point that the actual size of UNTAG should reflect the prevailing political situation in the area. In subsequent contacts with representatives of the permanent members, it was pointed out by them that, under the special scale of assessments for peace-keeping operations, they would be responsible for 57 per cent of the costs of UNTAG and that the establishment of an operation larger than they thought necessary would both put in question the financing of that operation and jeopardize the prospects for other peace-keeping operations in the future.

50. On 21 December 1988 I received a visit from the permanent representatives of a number of non-aligned countries, led by the Permanent Representative of Zimbabwe in his capacity as representative of the Chairman of the Movement of Non-Aligned Countries, and including the non-aligned members of the Security Council, the front-line States and Nigeria and SWAPO. The Permanent Representative of Zimbabwe stated that, in the view of the non-aligned countries, the Secretary-General needed effective means to supervise and control elections in Namibia in accordance with resolution 435(1978); the situation in Namibia had become more complex since 1978, notably because of the consolidation of the South African military, police and administrative presence; this led the non-aligned countries to conclude that, if anything, there was a need for an increase in the military component of UNTAG; but it was not their wish to renegotiate the existing settlement plan. In this connection, the Permanent Representative of Zimbabwe expressed grave reservations about moves to tamper with the military component of UNTAG, because such a move would violate Security Council resolution 435(1978) and would compromise the Secretary-General's ability to conduct free and fair elections in Namibia. In a communication addressed to me on 23 December 1988, President Robert Mugabe of Zimbabwe, Chairman of the Movement of Non-Aligned Countries, reiterated to me the concerns of the non-aligned countries in regard to the reduction of the military component of UNTAG as a cost-saving measure. A ministerial delegation of the front-line

States, comprising the foreign ministers of Botswana, Mozambique and Zambia, also expressed similar concerns to me when I met with them on 6 January 1989.

51. Throughout my contacts with the permanent members and with the non-aligned countries, I consistently stressed that resolution 435(1978) had approved a certain level of resources to enable the Secretary-General to carry out the military tasks assigned to UNTAG in the 1978 settlement proposal. If it was the Security Council's wish that fewer resources should now be made available for UNTAG, the Council should indicate which of the tasks in the settlement proposal were no longer required. I urged the need for consultations between the members of the Council for this purpose.

52. Resolution 629(1989) represented a compromise which was achieved with some difficulty and which did not fully resolve the differences between the proponents of the two points of view described above nor clearly eliminate any of the tasks assigned to UNTAG. The differences revolve round the question of how much confidence is to be placed in the readiness of the various parties to the proposed settlement in south-western Africa to honour the commitments, formal and informal, which they have entered into *vis-à-vis* each other and *vis-à-vis* the United Nations. As Secretary-General, I have to assume, in this as in other cases, that all the parties will honour the commitments which they have solemnly entered into; indeed, no operation of this kind can succeed without the full co-operation of all the parties. In the present circumstances the Secretary-General is obliged to advise the Council that, after so much progress has been achieved and when the independence of Namibia is at last in sight, it would be a tragedy if this question of confidence and the resulting differences within the Council were to cause further delay, thus seriously jeopardizing the emplacement of UNTAG by 1 April 1989, the date on which the Council has already decided that the implementation of resolution 435(1978) should begin.

53. Since resolution 629(1989) was adopted, I have pursued consultations with all the parties concerned. Their views have been taken into account in the preparation of this report. But as members of the Security Council are aware, it has not been possible to reconcile the opposing viewpoints described above. At the same time, all concerned are determined that implementation of the United Nations plan for Namibia should begin on 1 April 1989. I have therefore thought it right to submit to the Council a concept of operations which will not be wholly satisfactory to either side, nor to me, but which offers the best available prospect of fulfilling my mandate of ensuring the early independence of Namibia through free

and fair elections under the supervision and control of the United Nations, while at the same time enjoying the necessary financial support of the members of the Organization. Such a concept of operations is set out in the next paragraph. In putting it together I have taken into account the following:

a. The paramount need for UNTAG to be capable, and to be seen to be capable, of ensuring the full implementation of resolution 435(1978), including, above all, the creation of conditions which will permit free and fair elections;

b. The repeated assurances which I have received from the neighbouring countries, including South Africa, that, in accordance with paragraph 12 of the settlement proposal (S/12636), they will ensure to the best of their abilities that the provisions of the transitional arrangements, and the outcome of the election, are respected and that they will afford the necessary facilities to my Special Representative and all United Nations personnel to carry out their assigned functions and to facilitate such measures as may be desirable for ensuring tranquillity in the border areas;

c. The views expressed by some members of the Council that recent progress in the south-western Africa peace process has reduced the need for the tasks of border surveillance and the prevention of infiltration;

d. The feasibility which has now emerged of consolidating UNTAG's operations by grouping geographically tasks assigned to the military component of UNTAG and assigning a variety of tasks to each unit, whether infantry or military observers, including assisting in ensuring the safe return of refugees;

e. The feasibility of assigning to military observers some tasks which had previously been reserved for the infantry, without impairing the operational efficiency of the Force;

f. Increasing the ratio of operational troops to headquarters and administrative staffs, by increasing the size of the infantry battalions.

54. Taking these factors into account, the concept of operations which I recommend to the Security Council is as follows:

a. The Force Commander would concentrate on the tasks of monitoring the disbandment of the citizen forces, commando units and ethnic forces, including SWATF, monitoring SADF forces in Namibia, as well as SWAPO forces in neighbouring countries and supervising and securing installations in the northern border area (i.e. the tasks listed in subparagraphs b, c, d, e and g of paragraph 43 above);

b. The authorized upper limit for the military component of UNTAG would remain at 7,500;

c. Three enlarged infantry battalions, each averaging 850 all ranks, would be deployed initially, with the other battalions being held in reserve. This would provide as many operational troops as five battalions of the size envisaged in the earlier deployment plan, but with the overall numbers being reduced because of the regrouping of the operational troops, and the consequent elimination of some headquarters and administrative elements;

d. To permit the transfer of certain tasks from infantry to military observers, the military observer element deployed initially would be increased from 200 to 300 officers;

e. The logistic elements deployed initially would total about 1,700 all ranks and would be appropriate for a force of three enlarged infantry battalions and 300 military observers, taking into account also the need for the military logistic elements to support the civilian component;

f. Budgetary provisions would at this stage be presented to the General Assembly on the basis of a military component of 4,650 consisting of three enlarged infantry battalions, 300 military observers, about 1,700 logistic troops and headquarters staff of about 100, all ranks;

g. If it should become apparent during the course of the transitional period that a military component of this size was insufficient to assist my Special Representative in carrying out his mandate of ensuring the early independence of Namibia through free and fair elections under the supervision and control of the United Nations and that there was a real need for additional military personnel, the Secretary-General would so inform the Security Council and, subject to there being no objection from the Council, would deploy as many of the reserve battalions, with appropriate logistic elements, as he judged to be necessary. I would seek urgent financial provision from the General Assembly for this additional deployment. I trust that, under such circumstances, I could count on the support of all members of the Council, particularly its permanent members, to help to meet the logistic commitments involved in an urgent deployment of this kind, including assistance with airlift to the mission area as a voluntary contribution.

55. If the Security Council decides to approve the implementation of resolution 435(1978) on the above basis, the estimated cost of the civilian and military components of UNTAG will be approximately \$416 million, excluding the cost of the operation of the Office of the United Nations High Commissioner for Refugees (UNHCR) for the return of Namibians currently in exile, for which I intend to launch a separate appeal. This is

inevitably a preliminary figure based on information currently available and on the experience of United Nations peace-keeping operations; it may be subject to revision once UNTAG has been launched. It is based on the assumptions that:

a. Member States providing infantry battalions and logistic units or police officers for UNTAG will be reimbursed on the same basis as those which contribute troops to the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL);

b. Member States will not be reimbursed for troop costs or other costs during the period that battalions or other units are held in reserve in their home countries;

c. Military observers and electoral supervisors assigned to UNTAG will be made available by the Member States concerned on the same basis as observers provided to the United Nations Truce Supervision Organization (UNTSO).

56. It is also necessary to emphasize that the estimate in the preceding paragraph is based on the assumption that UNTAG will purchase goods and services from local sources of supply in southern Africa whenever these are more economical than sources of supply elsewhere. Any other assumption will call into question the feasibility of the operation in the time-scale already decided by the Council, as well as increasing its cost.

57. It is recommended that the costs of UNTAG should be considered as expenses of the Organization to be borne by the Member States in accordance with Article 17, paragraph 2, of the Charter. It is my intention also to recommend to the General Assembly that the assessments to be levied on Member States be credited to a special account which would be established for this purpose.

58. If the Security Council decides to proceed on the basis recommended above, I will do everything possible to have UNTAG in place and operational by 1 April 1989. My ability to achieve this will, however, depend crucially on the availability of the major financial resources which will be needed immediately to meet the expenses of the set-up phase of UNTAG. It will be essential, therefore, for the General Assembly to take very early action to appropriate the necessary funds for the financing of UNTAG and for Member States thereafter to pay their assessments without delay. The latest experience gained in connection with the payment of assessed contributions for an operation which was recently established by the Council has shown that, at the end of the assessed period, the rate of payment was less than 56 per cent of the amount apportioned. In light of these considerations, I shall appeal to Member States

to make advances, on a voluntary basis, to meet the initial expenses of UNTAG pending formal action by the General Assembly. These advances will be repaid as soon as it has been determined that sufficient assessed contributions have been collected. I shall also appeal to Member States to make voluntary contributions, both in cash and in kind, to UNTAG.

59. A large number of Governments have already expressed their interest in providing military personnel for UNTAG, whether infantry battalions or military observers or logistic units. As soon as the Council has decided to proceed as recommended in this report, I shall finalize my proposals for the composition of the military component and, after consulting the parties, I will seek the Council's agreement to my proposals. Members of the Council will recall that the appointment of the Force Commander, Lieutenant-General Prem Chand (India), has already been approved by the Council (S/13862, para. 5).

60. As regards the cease-fire envisaged in resolution 435 (1978), both South Africa and SWAPO agreed to a *de facto* cessation of hostilities, with effect from 10 August 1988, as provided for in the Geneva Protocol of 5 August 1988. It was foreseen in resolution 435(1978) that the cease-fire between South Africa and SWAPO would take effect on the date of the beginning of implementation of the settlement plan. I accordingly intend to send identical letters, at the appropriate time, to South Africa and SWAPO proposing a specific date and hour for the formal cease-fire to begin. In those letters I will also request both parties to inform me in writing, by a specific date, of their agreement to abide by the formal cease-fire. Meanwhile I appeal to all the parties to exercise maximum restraint and to refrain from any actions which might jeopardize the present *de facto* cessation of hostilities or implementation of the settlement plan.

61. In conclusion, I would like to emphasize that, as members of the Council are aware, resolution 435(1978) entrusts to the Secretary-General a wide range of responsibilities in connection with the supervision and control of free and fair elections in Namibia. My officials and I will be required to act with complete impartiality in carrying out these tasks. The same will be expected from the Administrator-General and all other officials in the Territory. The successful implementation of Security Council resolution 435(1978) will depend upon the co-operation of all parties concerned as well as of the international community as a whole. As far as my own

responsibilities are concerned, I trust that I can count on all Member States, and on my colleagues in the United Nations system, for their co-operation in enabling the United Nations family as a whole to meet its responsibilities to the people of Namibia in accordance with the United Nations plan.

## Annex

### Principles for a Peaceful Settlement in South-western Africa

The Governments of the People's Republic of Angola, the Republic of Cuba and the Republic of South Africa have reached agreement on a set of essential principles to establish the basis for peace in the south-western region of Africa. They recognize that each of these principles is indispensable to a comprehensive settlement.

A. Implementation of resolution 435(1978) of the Security Council of the United Nations. The parties shall agree upon and recommend to the Secretary-General of the United Nations a date for the commencement of implementation of United Nations Security Council resolution 435(1978).

B. The Governments of the People's Republic of Angola and of the Republic of South Africa shall, in conformity with the dispositions of resolution 435(1978) of the Security Council of the United Nations, co-operate with the Secretary-General with a view towards ensuring the independence of Namibia through free and fair elections, abstaining from any action that could prevent the execution of said resolution.

C. Redeployment towards the north and the staged and total withdrawal of Cuban troops from the territory of the People's Republic of Angola on the basis of an agreement between the People's Republic of Angola and the Republic of Cuba and the decision of both States to solicit the on-site verification of that withdrawal by the Security Council of the United Nations.

D. Respect for the sovereignty, sovereign equality and independence of States and for territorial integrity and inviolability of borders.

E. Non-interference in the internal affairs of States.

F. Abstention from the threat and utilization of force against the territorial integrity and independence of States.

G. The acceptance of the responsibility of States not to allow their territory to be used for acts of war, aggression, or violence against other States.

H. Reaffirmation of the right of the peoples of the south-western region of Africa to self-determination, independence, and equality of rights.

I. Verification and monitoring of compliance with the obligations resulting from the agreements that may be established.

J. Commitment to comply in good faith with the obligations undertaken in the agreements that may be established and to resolve the differences via negotiations.

K. Recognition of the role of the permanent members of the Security Council of the United Nations as guarantors for the implementation of agreements that may be established.

L. The right of each State to peace, development and social progress.

M. African and international co-operation for the settlement of the problems of the development of the south-western region of Africa.

N. Recognition of the mediating role of the Government of the United States of America.

# Namibia: S/20457



United Nations

## Explanatory Statement by the Secretary-General (S/20457) concerning his Further Report (S/20412) concerning the Implementation of Security Council Resolutions 435(1978) and 439(1978) concerning the Question of Namibia, 9 February 1989

1. On 23 January 1989, I submitted to the Security Council a further report (S/20412) on the question of Namibia. Part II of the report was submitted in pursuance of Security Council resolution 629(1989).

2. The report contained my recommendations for the implementation of the United Nations plan for Namibia with effect from 1 April 1989, as decided by the Security Council in paragraph 1 of its resolution 629(1989). In preparing my report I was conscious of the urgent need for the Council to adopt, without further delay, the necessary enabling resolution so that this date could be met. The recommendations in my report were intended to aid the Security Council to take this decision. We are now very close to the absolute minimum lead-time required for the effective mobilization of the United Nations Transition Assistance Group (UNTAG) and its emplacement in Namibia.

3. Since the submission of my report, I have held extensive consultations with the various parties. During these consultations concerns were raised about some of the recommendations contained in my report. I should like to address these concerns in this explanatory statement.

4. In paragraph 54 of my report, I recommended to the Security Council a concept of operations which in the circumstances seemed to me to offer the best available prospect of ensuring the early independence of Namibia through free and fair elections in accordance with the timing decided by the Council. I should like to reiterate that, under this concept of operations, the authorized upper limit for the military component of UNTAG would remain at 7,500, as stipulated in the explanatory statement of 28 September 1978 (S/12869) and approved by the Security Council in its resolution 435(1978). While confirming this fundamental provision for the military component of UNTAG, I recommended to the Security Council that budgetary provisions should at this stage be

presented to the General Assembly on the basis of a military component of 4,650 personnel consisting of three enlarged infantry battalions, 300 military observers, about 1,700 logistic troops and headquarters staff of about 100, all ranks. These would be the number of troops initially deployed in Namibia while at the same time the figure of 7,500 would be maintained as the authorized upper limit of the military component. The three enlarged battalions would provide the Force Commander with 15 line companies (i.e. troops available for operational duties in the field), which is only three fewer than the 18 line companies which would have been provided by the six smaller battalions envisaged in the earlier deployment plan. Under the concept of operations outlined in my report, the reserve battalions would be available at short notice for service in Namibia, in order to meet any unforeseen developments in regard to the overall mandate of UNTAG.

5. The mandate of the military component of UNTAG, as approved in Security Council resolution 435(1978), remains unchanged. Paragraph 54a of my report specifies only the tasks on which it is envisaged that the Force Commander would concentrate. No tasks have been eliminated. Moreover, final and definitive decisions concerning functional priorities and deployment can be taken only in the light of the circumstances prevalent at the time of implementation. In this connection, I intend to keep under constant review throughout the transitional period both the deployment of the military component of UNTAG and its size in relation to its ability to carry out its full mandate in the actual situation on the ground. I will not fail to inform the Security Council if the situation requires the deployment of additional military personnel to Namibia. I have been assured by all the members of the Security Council, including the permanent members, that they will extend their fullest co-operation to me in terms of paragraph 54g of my report



and that they will respond promptly to any need for additional military personnel which I might deem warranted, up to the authorized upper limit of 7,500.

6. In paragraph 47 of my report I stated that, in accordance with standard peace-keeping practice, the military observers deployed with UNTAG will not carry weapons. Following representations made to me by a number of delegations, I have decided to make an exception to this standard peace-keeping practice and have accordingly given the Force Commander of UNTAG discretion to authorize the military observers deployed with UNTAG to carry weapons of a defensive character, as and when necessary.

7. In paragraph 55 of my report, I stated that the estimated cost of the civilian and military components of UNTAG will be approximately \$416 million, excluding the cost of the operation of the Office of the United Nations High Commissioner for Refugees for the return of Namibians currently in exile, for which I intend to launch a separate appeal. This statement was based on my judgement that such an appeal would be the best means of securing the necessary funding in time. Concern has been expressed that a separate appeal of this nature

might not raise adequate funding in time for the operation of the High Commissioner and that this in turn could delay the early return of Namibians currently in exile to participate in the electoral process. I continue to believe that these fears are unfounded but I will not hesitate to recommend alternative arrangements if, contrary to my expectations, there is a shortfall in funding for the operations of the High Commissioner. These will be conducted as an integral part of the UNTAG operation under the relevant provisions of the United Nations plan.

8. I remain convinced that the recommendations contained in my report, as clarified by this explanatory statement, offer the best available prospect of fulfilling my mandate of ensuring the early independence of Namibia through free and fair elections under the supervision and control of the United Nations, while at the same time enjoying the necessary financial support of members of the Organization. It is my fervent hope that the Security Council can now proceed to approve my report and thus make its final determination for the emplacement of UNTAG in Namibia on 1 April 1989 in accordance with the decision it has already taken.