



Security Council

Distr.
GENERALS/20412
23 January 1989

ORIGINAL: ENGLISH

FURTHER REPORT OF THE SECRETARY-GENERAL CONCERNING
THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTIONS
435 (1978) AND 439 (1978) CONCERNING THE QUESTION
OF NAMIBIA

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

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 1/ and 27 October 1987, 2/

"Having heard the statement by the President of the United Nations Council for Namibia, 3/

"1/ Official Records of the Security Council, Forty-second Year, Supplement for January, February and March 1987, document S/18767.

"2/ Ibid., Supplement for October, November and December 1987, document S/19234.

"3/ Ibid., Forty-second Year, 2755th meeting.

"Having also considered the statement by Mr. Theo-Ben Gurirab, Secretary for Foreign Affairs of the South West Africa People's Organization, 3/

"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 Africa 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 re-opened 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 Malau, 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 up-date 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 co-operate 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 sub-stations or posts at strategic locations. The number of district and sub-stations 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 7 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 build-up of the military component of UNTAG in stages, up to 6 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 3 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.

