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QUESTION OF NAMIBIA

Letter dated 2 October 1989 from the Permanent Representative of
Zambia to the United Nations addressed to the Secretary-General

I have the honour, on behalf of the front-line States, Nigeria and the South West Africa People's Organization to transmit a letter regarding the question of Namibia. I wish to request that this note and attached letter be circulated as documents of the General Assembly under agenda item 36.

(Signed) Lt. Gen. P. D. ZUZE (DFS)
Ambassador
Permanent Representative

ANNEX

Letter dated 29 September 1989 from the Permanent Representatives of the front-line States and Nigeria and the Permanent Observer of the South West Africa People's Organization to the United Nations addressed to the Secretary-General regarding the question of Namibia

We, the representatives of the front-line States and Nigeria and SWAPO at the United Nations, have the honour to refer to paragraph 40 of document A/BUR/44/1 and Corr.1 of 11 September 1989 concerning the allocation of item 36 (Question of Namibia) to the plenary of the forty-fourth regular session of the General Assembly, which reads as follows:

"With regard to item 36 (Question of Namibia), the Secretary-General wishes to recall, as stated in his report to the Security Council concerning the implementation of Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia (S/20412, para. 35), that the United Nations plan for Namibia includes informal understandings on the question of impartiality (A/44/280-S/20535, annex), point 10 of which reads as follows:

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

In regard to this important matter, we wish to make the following observations:

(a) The "informal checklist", as referred to in document A/44/280-S/20635, between the front-line States and Nigeria and SWAPO, on the one hand, and the Western Contact Group and South Africa, on the other contains non-formal understandings binding the parties to them. The General Assembly and the Security Council are not parties to these understandings and, for that reason, are not bound by them. As parties to these non-formal understandings, the front-line States and Nigeria and SWAPO are of the view that these understandings are to be honoured by all the parties concerned, not selectively but as a whole.

(b) In this connection, we wish to point out that Security Council resolutions 629 (1989) and 632 (1989) on Namibia were not drafted according to these informal understandings. The front-line States and Nigeria and SWAPO had very much wanted to have the enabling resolution drafted according to the non-formal understandings, but sadly this was resisted by some members of the Security Council, including some of those who were parties to the understandings. We wish to recall further that the informal checklist had foreseen the adoption of a short non-contentious resolution (see para. 8 of the checklist) dealing largely with the impartiality question. For the reasons well known to all members, the Security Council adopted a resolution that did not fully address the issue of impartiality. This point is worth stressing.

(c) It will be recalled that the Non-Aligned Caucus in the Security Council, with the full support of the front-line States and Nigeria and SWAPO, wanted all agreements and understandings pertaining to the Namibian settlement plan listed for adoption under Council resolution 632 (1989) but, in the end, an agreed list could not be produced for reasons that were never fully explained. However, to ensure that the Security Council would not be bound by agreements and understandings it was not party to, and has not specifically approved or been aware of, it decided in that enabling resolution that only the settlement plan on Namibia as embodied in resolution 435 (1978) in its "original and definitive form" should be implemented. Secret understandings or any other agreements not contained in resolution 435 (1978) are not part of the settlement plan.

(d) Your Excellency is aware that one of the parties to the understandings, namely, South Africa, has to date not yet fully complied with the letter and spirit of Security Council resolution 435 (1978) and continues to disregard the impartiality provisions of the informal checklist. South Africa's persistent non-compliance with the provisions of the United Nations plan for the independence of Namibia has become a major concern to the international community as shown by the recent Security Council resolution 640 (1989) on Namibia.

(e) The representatives of the front-line States and Nigeria and SWAPO have also taken note of your report to the General Assembly at its forty-fourth session on the work of the Organization (A/44/1), in which you expressed concern regarding serious problems yet to be resolved in order to ensure free and fair elections in Namibia under the supervision and control of the United Nations.

(f) We wish to emphasize that, to date, conditions for the conduct of free and fair elections in Namibia do not exist. In violation of the United Nations settlement plan, South Africa continues to deploy the notorious Koevoet paramilitary units as part of the South West Africa Police (SWAPOL) and maintains the command structures of both Koevoet and the South West Africa Territory Force (SWATF). These elements have been used for wide-scale intimidation and harassment of the Namibian people, often resulting in deaths and injuries, thus poisoning the political climate and making virtually impossible the full exercise of freedom of speech, assembly and movement.

(g) In view of the known threats to the leadership of SWAPO, as recently demonstrated by the cold blooded assassination of Anton Lubowski, the representatives of the front-line States and Nigeria once again stress that many of the present law enforcement agents in Namibia are unsuitable and that urgent measures be taken to ensure the physical security for the leadership of SWAPO.

(h) Furthermore, the voter's registration proclamation imposed on Namibians by South Africa is seriously flawed in the sense that it has allowed non-Namibians to register for the elections. For that reason it is contrary to the letter and spirit of Security Council resolution 435 (1978). Similarly, the draft electoral law and the constituent assembly proclamation proposed by South Africa are completely unacceptable as they also totally violate the provisions of Security Council resolution 435 (1978) and internationally accepted standards concerning elections.

(i) We wish also to draw your attention to the fact that South Africa has not totally repealed all discriminatory and restrictive laws, regulations or administrative measures that might abridge or inhibit free and fair elections as required under the settlement plan. In fact, some of the repealed laws have been substituted by even more restrictive ones, including in particular AG.23, which is arbitrarily used to deny the right of freedom of assembly to political organizations, especially SWAPO.

(j) Taking into account all the persistent violations by South Africa of the terms of the settlement plan, we, the representatives of the front-line States and Nigeria and SWAPO, will continue to exert every effort to see to it that Security Council resolution 435 (1978) is implemented in its "original and definitive form" and, as always, will keep you fully briefed of our efforts to ensure that the parties to the checklist abide, even at this late hour, by the commitments they made in 1982.

(k) It is because of our commitment to the faithful implementation of Security Council resolution 435 (1978) that we regarded as constructive the decision of the General Assembly to keep item 36 (Question of Namibia) on the agenda of this forty-fourth regular session. As parties to the informal checklist and in view of the violations of some of its provisions as afore stated, we do not regard the action of the General Assembly in retaining the item on the agenda as being at variance with the requirements of the checklist. Indeed, it is our judgement that in doing this the General Assembly acted wisely and prudently.

(Signed) Lt. Gen. P. D. ZUZE (DFS)

Ambassador

Permanent Representative of Zambia
representing the
Chairman of the front-line States
