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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION
OF SECURITY COUNCIL RESOLUTION 643 (1989) CONCERNING
THE QUESTION OF NAMIBIA

Introduction

1. The present report is submitted to the Security Council in accordance with paragraph 15 of resolution 643 (1989) of 31 October 1989, in which the Council requested the Secretary-General to report on the implementation of that resolution as soon as possible.
2. The operative part of resolution 643 (1989) reads as follows:
 - "1. Welcomes the report of the Secretary-General of 6 October 1989 and the addendum thereto of 16 October 1989;
 - "2. Expresses its full support for the Secretary-General in his efforts to ensure that Security Council resolution 435 (1978) is fully implemented in its original and definitive form;
 - "3. Expresses its firm determination to implement resolution 435 (1978) in its original and definitive form in order to ensure the holding of free and fair elections in Namibia under the supervision and control of the United Nations;
 - "4. Reaffirms its commitment in carrying out the continuing legal responsibility over Namibia until its independence to ensure the unfettered and effective exercise by the people of Namibia of their inalienable rights to self-determination and genuine national independence in accordance with resolutions 435 (1978) and 640 (1989);
 - "5. Demands immediate, full and strict compliance by all parties concerned, in particular South Africa, with the terms of resolutions 435 (1978), 632 (1989) and 640 (1989);
 - "6. Further reiterates its demand for the complete disbandment of all remaining paramilitary and ethnic forces and commando units, in particular the

Koevoet and the South-West Africa Territorial Force as well as the complete dismantling of their command structures, and other defence-related institutions as required by resolutions 435 (1978) and 640 (1989);

"7. Requests the Secretary-General to pursue his efforts to ensure the immediate replacement of the remaining South African Defence Forces personnel in accordance with resolution 435 (1978);

"8. Demands the immediate repeal of such remaining restrictive and discriminatory laws and regulations as inhibit the holding of free and fair elections and that no such new laws be introduced and endorses the position of the Secretary-General as expressed in his report that Proclamation AG 8 should be repealed;

"9. Invites the Secretary-General to keep under constant review the adequacy of the number of police monitors in order to undertake the process for any appropriate increase that he may deem necessary for the effective fulfilment of the United Nations Transition Assistance Group's responsibilities;

"10. Demands that the South West Africa Police extend full co-operation to the United Nations Transition Assistance Group civilian police in carrying out the tasks entrusted to it under the settlement plan;

"11. Mandates the Secretary-General to ensure that all necessary arrangements are made in accordance with the settlement plan to safeguard the territorial integrity and security of Namibia in order to ensure a peaceful transition to national independence, and to assist the Constituent Assembly in the discharge of responsibilities entrusted to it under the settlement plan;

"12. Requests the Secretary-General to prepare appropriate plans for mobilizing all forms of assistance, including technical, material and financial resources for the people of Namibia during the period following the elections for the Constituent Assembly until the accession to independence;

"13. Urgently appeals to Member States, United Nations agencies, intergovernmental and non-governmental organizations to extend, in co-ordination with the Secretary-General, generous financial, material and technical support to the Namibian people, both during the transitional period and after independence;

"14. Decides that, if the pertinent provisions of the present resolution are not complied with, the Security Council shall convene as required before the elections to review the situation and consider appropriate action;

"15. Requests the Secretary-General to report on the implementation of the present resolution as soon as possible;

"16. Decides to remain seized of the matter."

3. In addition to addressing the specific issues raised in resolution 643 (1989), the present report also describes the latest developments relating to certain other aspects of the implementation of the United Nations plan for the independence of Namibia.

4. Since I last reported to the Security Council on this subject on 6 October 1989 (S/20883), I have continued to monitor developments in Namibia with the utmost care. I have, in addition, sent a mission of senior officials of the Secretariat to Windhoek to consult with my Special Representative, Mr. Martti Ahtisaari, with his Deputy, Mr. Legwaila Joseph Legwaila and with the Force Commander, Lieutenant-General Dewan Prem Chand. They held extensive consultations from 29 to 31 October 1989 on all aspects of the implementation process, with particular reference to the holding of the proposed elections to the Constituent Assembly, which are scheduled for the period from 7 to 11 November.

General situation in the Territory

5. During the last four weeks, the overall situation throughout Namibia, carefully monitored, as before, by the various elements of the United Nations Transition Assistance Group (UNTAG), has remained calm. The political campaigns of the 10 parties participating in the elections have been stepped up and have proceeded freely and without major hindrance. All election rallies have been carefully monitored by the UNTAG civilian police (CIVPOL), and, with a few exceptions, all have passed off peacefully and without incident. The number of complaints to CIVPOL has declined steadily during this period.

Arrangements for the elections

6. Arrangements for the conduct of the elections between 7 and 11 November under the supervision and control of the United Nations are well under way. Three hundred and fifty polling stations have been agreed to by my Special Representative and the Administrator-General, and my Special Representative's request for an increase of 15 in the most populated areas is now under further discussion. Provision has been made for any necessary extension of polling hours, and the electoral law also provides for an extension of the period of polling should this be found necessary, with the concurrence of my Special Representative. The total of UNTAG electoral personnel will be 1,695, including 885 election personnel made available by the Governments of 27 countries. All such personnel are now in Namibia, their training is complete and they have been deployed to their electoral regions. The process of voter education was somewhat delayed because of the protracted nature of negotiations for an electoral law that would be satisfactory to me and my Special Representative. It has, however, since proceeded rapidly, using radio, television, newspapers, posters, leaflets and other visual aids, as well as many other means of explanation.

Constituent Assembly Proclamation

7. The Constituent Assembly Proclamation and the related Exchange of Letters between the Special Representative of the Secretary-General and the Administrator-General were signed on 3 November 1989. An important provision of the Proclamation is that no court of law shall have any jurisdiction to review or in any way interfere with the proceedings of the Assembly. The Exchange of Letters provides that the Special Representative will follow the work of the Constituent Assembly and will address to the Chairman of the Assembly such observations on its procedures and work as seem appropriate to him. In particular, he will communicate formally to the Chairman the principles concerning the Constituent Assembly and the Constitution for an independent Namibia, to which reference has been made in my report to the Security Council of 23 January 1989 (S/20412).

Disbandment of all paramilitary and ethnic forces and commando units

8. The disbandment and demobilization from the South West Africa Police (SWAPOL) of 1,207 former members of Koevoet was completed at Oshakati on 28 October 1989. A further 418 members were disbanded and demobilized on 30 October 1989 at Opuwo and Rundu. The process was carefully monitored by UNTAG. As regards personnel formerly belonging to the so-called "Bushmen battalions", their weapons have long since been withdrawn and they, too, have been demobilized. In order to make new and long-term arrangements for their rehabilitation and self-sufficiency, a special mission was dispatched to north-eastern Namibia on 30 October 1989. It included representatives from the Special Representative's Office, the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF).

Dismantling of the command structures of the South-West Africa Territorial Force (SWATF) and of other defence-related institutions

9. As I indicated in paragraph 12 of my previous report (S/20883), the command structure of SWATF has, for all practical purposes, been dismantled. Negotiations are now under way with the Administrator-General for the transfer of residual administrative arrangements for the former South African Defence Force (SADF)/SWATF members to other branches of the civilian administration, with the objective of quickly dismantling the "Department of Defence Administration".

Replacement of military personnel performing civilian functions

10. Since my report of 6 October 1989 (S/20883), arrangements have been expedited for the early substitution of civilians for the SADF personnel performing essential civilian functions. In this regard, a mission of the International Civil Aviation Organization (ICAO) has recently completed an extensive review of the air traffic

situation throughout the country, and has submitted a report regarding the urgent replacement of related personnel and equipment. In addition, a WHO mission has surveyed the health situation in Namibia with a view to replacing SADF medical personnel currently providing health services in the country, and arrangements are already being made to this end. Arrangements are also being worked out to provide civilian teachers, veterinary officers, etc. Every effort is being made first to recruit Namibians, including recent returnees, for these functions. Internationally recruited personnel will be identified or assigned to fill the remaining gaps so that vital services can continue to be provided in Namibia. This will be done within the scope of the contingency programme for the transitional period which is to be financed by the trust fund established by UNDP in September 1989.

Members of the People's Liberation Army of Namibia (PLAN)
in Angola

11. In my last report to the Security Council (S/20883), I mentioned problems that UNTAG had encountered in the verification of the confinement to base of South West Africa People's Organization (SWAPO) combatants remaining in Angola. I have since received a letter dated 18 October 1989 from Mr. Sam Nujoma, President of SWAPO. In his letter, Mr. Nujoma informed me that the entire PLAN fighting force had been demobilized and that virtually all its personnel had returned, unarmed, to Namibia. Moreover, the entire SWAPO leadership had returned to Namibia. The only PLAN members remaining in Angola were some 300 personnel at Lubango. Mr. Nujoma stated that UNTAG was free to make contact and verify the number. UNTAG has continued to verify that these personnel are being confined to base by the Angolan authorities. UNTAG has received numerous allegations from South Africa that concentrations of SWAPO combatants are present in parts of southern Angola. These have been categorically rejected by the Government of Angola and by SWAPO as being baseless and unsubstantiated. Patrols conducted by UNTAG and the Angolan Armed Forces have found no evidence of such concentrations. The most recent allegation concerning the presence of SWAPO combatants in southern Angola was made on 1 November 1989 when it was claimed that intercepted internal UNTAG messages had reported an imminent incursion into Namibia from Angola by SWAPO combatants. After careful investigation by my Special Representative and his senior colleagues of the texts of the messages, it was established that the messages did not emanate from any UNTAG source and were therefore fraudulent. Recently, improved mechanisms were established by the Joint Commission to facilitate the investigation of allegations relating to both sides of the Angolan/Namibian border.

Detainees

12. Subsequent to my last report, an addendum (S/20883/Add.1) was issued on 16 October 1989, containing the report of the United Nations Mission on Detainees. Efforts have continued to be made to clarify the identity and whereabouts of persons alleged to have been detained, including the detailed checking and follow-up of comments and information received from a number of sources, including SWAPO, the International Committee of the Red Cross (ICRC) and other non-governmental organizations. Overall, the information received has not affected

the main conclusions presented in the report. As at 31 October 1989, the figures were as follows (figures in parentheses are those as of 11 October 1989):

- (a) 517 persons released and/or repatriated (484);
- (b) 67 persons reportedly not detained, including SWAPO officials (71);
- (c) 123 persons reported dead (115);
- (d) 52 persons who could not be identified owing to insufficient information (52);
- (e) 263 persons whose present status is unknown and requiring further information (315).

UNTAG considers this to be an important humanitarian task, and will continue to use its best efforts, in co-operation with all concerned, to clarify all outstanding cases.

Discriminatory and restrictive laws

13. I reported on this matter in paragraph 51 of my previous report (S/20883). With the repeal or substantial amendment of 56 pieces of legislation, the obstacles against the holding of free and fair elections have, in this important sector, been removed. As regards Proclamation AG 8, which established a system of ethnic administration, the position remains as stated in my previous report, and I have continued to press for its repeal on the grounds that this is required by the spirit, if not the letter, of the settlement plan.

South-West Africa Broadcasting Corporation

14. In my report of 6 October I described, in paragraphs 40 to 42, the unsatisfactory performance of the South-West Africa Broadcasting Corporation (SWABC), which has a particular responsibility for impartiality in a country that is especially dependent for its information on electronic news and current affairs programmes. My Special Representative has been seeking full-scale reform of SWABC, which has been the subject of numerous and persistent allegations of political bias. On 27 October 1989, the Governing Board of SWABC was pronounced to be "in recess until further notice". It was stated that its position would be reconsidered after the election, in consultation with my Special Representative and the Administrator-General. It was also stated that the needs of the Constituent Assembly would have to be recognized and accommodated. While, during the pre-election period, time has indeed been allotted to the political parties to ensure coverage of their viewpoints and their rallies, the arduous negotiations that have taken place on the subject have left the problem of editorial impartiality unresolved. As I remarked in my earlier report, substantial reform is necessitated by the rapid and dynamic process of change that is now taking place in the Territory, and I shall continue to press for reforms that I believe to be essential throughout the process of transition to independence.

UNTAG police monitors

15. In paragraph 27 of my previous report (S/20883), I stated that I was satisfied that, when the 500 additional police officers recently agreed to had been deployed in Namibia, CIVPOL strength would be adequate to carry out its functions in present conditions. Those additional police monitors have now arrived in Namibia and have been deployed to their various duty stations, thus enabling UNTAG to open additional CIVPOL stations and to intensify its monitoring of SWAPOL activities. There has also been an improvement in co-operation between SWAPOL and CIVPOL, though some difficulties remain on a localized basis. The period of the election that is about to take place will be a testing one for CIVPOL. Of the 1,500 police monitors, approximately 1,100 will be deployed to specific duties related to the election. These will include the monitoring of polling stations, round-the-clock guarding of ballot boxes (together with SWAPOL), being present during the counting of votes etc. As requested by the Security Council, I have again reviewed the adequacy of the number of police monitors available to UNTAG. It remains my view that, although they will be somewhat stretched during the immediate period of the election, their number is adequate to enable them to carry out their principal function, which is the comprehensive monitoring of the activities of SWAPOL.

Security

16. I have given careful attention to the questions raised in paragraph 11 of resolution 643 (1989). While, at this time, there have been marked improvements in the overall security situation on the eve of the election, I remain vigilant to the possibility of a deterioration in the field of law and order. In this connection, I should place on record my appreciation for the restraint shown by the political parties participating in the elections, and for their respect for the Code of Conduct negotiated with them by my Special Representative (S/20883, annex III). However, the continuance of certain features have required me and my Special Representative to consider very carefully all exigencies, including, in particular, the possibility of a sudden and serious breakdown of law and order. I must emphasize that, in accordance with the settlement plan, primary responsibility for the maintenance of law and order remains with the Administrator-General during the transition period, i.e., until independence. His instrument for this purpose will continue to be the existing police force, SWAPOL, whose performance of its duties will be monitored intensively by the increased civilian police element in UNTAG.

17. The Administrator-General has pointed out that, with the demobilization of former Koevoet personnel referred to above, the strength of SWAPOL now stands at under 2,500. He has indicated that it is therefore not beyond the bounds of possibility that there could be a law-and-order situation beyond the present capacity of SWAPOL to control. The potential for this is underlined by the fact that in Namibia approximately 120,000 licences for weapons have been issued to civilians. The number of unlicensed weapons, from whatever sources, can only be a matter for conjecture.

18. The Administrator-General, in exercise of his primary responsibility for the maintenance of law and order until independence, has announced his intention to

recruit 2,000 personnel for SWAPOL. In response, my Special Representative has made it clear to him that UNTAG must be in a position to discharge its mandate in regard to SWAPOL by ensuring that all those recruited are indeed suitable for employment in the police during the transition period. He has stated that he expects the need for additional resources and possible recruitment criteria to be worked out and agreed through the normal consultative processes.

19. With regard to the role of UNTAG, I would like to inform Council members that the Force Commander, acting within the current mandate of the military component - which of course does not extend to enforcement functions, has taken steps to intensify patrolling by the units under his command, especially in potentially sensitive areas. By generally taking a more visible profile in the polling period and beyond, the UNTAG military component, while maintaining its current activities and overall deployment, will seek to lessen any tension that might arise. As members of the Council will appreciate, any change of responsibilities of the military component would require not only a change in the UNTAG mandate but also, in all likelihood, an increase in the resources of the military component.

Economic assistance

20. The United Nations has already initiated a series of in-depth studies and consultations to assess the social and economic situation and needs of Namibia during the period of nation-building. Contingency plans for the transitional period, as well as a rehabilitation programme covering returnees and returnee-affected areas, have been prepared by UNDP, the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, UNHCR, WHO and WFP. Furthermore, a technical assistance advisory mission of the International Monetary Fund (IMF) recently visited Namibia in order to address issues concerning the establishment and organization of a new central bank and related matters. Prior consultations had taken place between IMF and UNDP on the basis of preliminary studies undertaken by the latter. I intend to arrange for a comprehensive programme to be prepared and an international appeal to be launched in support of a programme covering Namibia's economic needs once all the necessary information has been gathered. I will, of course, undertake such action in close co-operation with the competent authorities.

Observations

21. After a most careful evaluation of the situation, my Special Representative has reached the conclusion that, on balance, he is satisfied that conditions exist that will permit the holding of free and fair elections in Namibia at this time. Based on all the information available to me, I have endorsed his conclusion.

22. It remains, however, important to state that, despite the most arduous process leading to this point, the situation, especially in some regions of Namibia, remains delicate. As I have observed earlier in the present report, the political parties of Namibia are to be commended for the qualities of restraint and

moderation that, in general, they have demonstrated during the run-up to the election, and upon their observation of the terms of the Code of Conduct. Such qualities will be all the more necessary during the coming days and weeks. A meticulous and concerted effort is now required on the part of all concerned to ensure that the considerable achievements thus far attained are not in any manner jeopardized. At this time it is more than ever essential that all concerned, both in Namibia and beyond its borders, comply precisely with their respective responsibilities under the settlement plan and the Code of Conduct. Intimidation in any form, and any use of violence, would frustrate the success of the long-overdue settlement of the question of Namibia. The course of events, not only in Namibia and, indeed, southern Africa, but also on a wider international plane, will be affected by the process that is now so far advanced. Its outcome will, above all, depend on the manner in which all concerned fully honour the solemn obligations into which they have entered during the long journey to self-determination for Namibia.

