



General Assembly Security Council

Distr.  
GENERAL

A/44/656  
S/20909  
19 October 1989

ORIGINAL: ENGLISH

GENERAL ASSEMBLY  
Forty-fourth session  
Agenda item 36  
QUESTION OF NAMIBIA

SECURITY COUNCIL  
Forty-fourth year

Letter dated 18 October 1989 from the Permanent Representative of  
Kenya to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a statement issued by the Group of African States on the Secretary-General's report of 6 October 1989 (S/20883) on the implementation of Security Council resolution 640 (1989) concerning the question of Namibia.

I would be grateful if this statement could be circulated as an official document of the General Assembly, under agenda item 36, and of the Security Council.

I wish, in this connection, to inform Your Excellency that the Group of African States has decided to request the convening of the Security Council to consider the grave situation now prevailing in Namibia.

(Signed) Michael George OKEYO  
Permanent Representative of Kenya  
Chairman of the African Group

ANNEX

Statement by the Group of African States on the Secretary-General's report of 6 October 1989 (S/20883) on the implementation of Security Council resolution 640 (1989) concerning the question of Namibia

1. The Secretary-General's report (S/20883) prepared pursuant to Security Council resolution 640 (1989) of 29 August 1989 exposes some serious continuing obstacles to the implementation of Council resolution 435 (1978). It confirms that South Africa has not fully complied with the letter and spirit of Security Council resolution 435 (1978). Its continued non-compliance with the key provisions of the settlement plan, at this late stage of the implementation process, raises serious concerns as to whether conditions do exist for the holding, under the supervision and control of the United Nations, of free and fair elections in Namibia.

Demobilization of the paramilitary and ethnic forces and  
commando units

2. The settlement plan makes allowance for a certain number of SADF personnel performing "essential civilian functions" to temporarily remain in Namibia, monitored by UNTAG. Although Security Council resolution 435 (1978) is not specific as to the length of time the services of these personnel would be required, it was always understood that this temporary arrangement would take care of the situation in the first few weeks of the implementation process. Paragraphs 7 and 8 of the Secretary-General's report reveal that, less than three weeks before the commencement of the elections, approximately 1,000 SADF officers, under this supposedly temporary arrangement, are still in Namibia. Furthermore there is no indication in the report of any efforts being made to find replacements for these SADF officers. It can therefore be concluded from the report that the South African Defence personnel authorized under Council resolution 435 (1978) as a temporary measure are being allowed to remain in Namibia until the elections.

3. The report further states that these officers include 229 medical personnel, 72 teachers and some veterinary officers etc. It is inexcusable that the implementation process is now being compromised by the failure to replace these military officers in good time with civilian personnel. We therefore call for the immediate and total withdrawal from Namibia of these so-called temporary South African military officers.

4. As indicated in paragraph 8 of the Secretary-General's report, 156 of the remaining SADF personnel are employed in the "Department of Defence Administration" created by the Administrator-General. The Secretary-General's report states that the "Department of Defence Administration" has been established to administer the SADF personnel remaining "temporarily" in Namibia and to provide "bimonthly payments to the demobilized personnel of the ethnic forces".

5. It is important to note that, in South Africa, the term "Department of Defence" means Ministry of Defence. The Administrator-General has, therefore, created a Ministry of Defence. Under the settlement plan the Administrator-General is not charged with defence but law and order responsibilities. The creation of this Ministry of Defence is, therefore, contrary to the provisions of Security Council resolution 435 (1978). According to the report the Secretary-General's Special Representative has requested a reduction "in both the size and rank level of the Department". What is required is not a reduction, but an abolition of this Ministry of Defence.

6. Under the pretext of performing the so-called civilian tasks, high-ranking SADF officers continue to keep the South West Africa Territory Force (SWATF) command structures. The SADF officers involved in these civilian duties comprise many high-ranking military officers. In addition, through the maintenance of "regional offices" and bimonthly payments of salaries to these units, the SADF officers are in regular contact with their allegedly demobilized forces and can therefore remobilize them rapidly.

7. In paragraph 11, the Secretary-General's report informs us that two so-called "bushmen" battalions of SWATF, whose current strength is given as 1,351 soldiers, have been made an "exception" to the requirement in the Settlement Plan that all ethnic forces should be demobilized. The failure to demobilize these battalions, comprising the Khoisan people, who are derogatorily referred to as "bushmen", is being made on social and ethnic grounds. This paternalism, though well intentioned, is unfortunate.

8. This is not an "exception" but a violation of resolution 435 (1978) as it has not been authorized by the Security Council. The settlement plan cannot be modified unilaterally without the authorization of the Security Council. We find unconvincing the explanation that the battalions could not be demobilized because their personnel had become completely alienated from their traditional way of life and that they would have had no other means of livelihood if sent away from their camps. Since they are receiving salary payments, one cannot see any problems that would arise if they are demobilized and sent away. Furthermore, the so-called problem of "alienation" surely cannot be resolved by confining the Khoisan to the camps. If "alienation" is a genuine problem, then rehabilitation rather than the retention of the two battalions should be the solution.

9. The settlement plan provides that the command structures of the various units of the South African security forces in Namibia should be dismantled. The Secretary-General's report, in paragraph 12, indicates that the command structures have not been completely dismantled. This is another unacceptable violation of Security Council resolution 435 (1978).

10. It is noted with concern that even the so-called one commander remaining in each of the "regional offices" (para. 12) is a key element of a command structure capable of remobilizing the "demobilized" personnel who report to those offices twice monthly to receive their salaries. The continued bimonthly payments of salaries at the "regional offices" keeps the "demobilized" units in effect together and makes possible their easy remobilization.

11. Under the whole section of the Secretary-General's report entitled "Paramilitary and ethnic forces and commando units", we are informed of the existence of a Ministry of Defence under the Administrator-General; active regional commanders; about 1,000 military officers, including high-ranking officers, working under all sorts of guises and two battalions that continue to receive salary payments. The complete picture already portrays the existence in Namibia of a formidable command structure, and an active Ministry of Defence, which is a serious violation of the settlement plan.

#### Koevoet

12. Paragraphs 13, 14 and 15 of the Secretary-General's report show that there are still some Koevoet elements serving with SWAPOL. It should be noted that, in his statement of 10 October 1989, contained in document S/20894, the Administrator-General defiantly and arrogantly stated that he did not intend to disband these elements as his police resources were stretched beyond their limits.

13. The Secretary-General's report states that the estimated strength of Koevoet was 3,000 members and that 2,000 (two thirds) of them had been absorbed into SWAPOL. The other 1,000 are allegedly said to have been disbanded by South Africa. Of the 2,000 integrated into SWAPOL, 1,200 at Oshakati are reportedly to be demobilized. Nothing is said about what will be done with the remaining 800. A total of 1,800 Koevoet members, therefore, remains unsatisfactorily unaccounted for. South Africa also announced at one stage that some Koevoet elements would be assigned to undertake anti-poaching activities. It is urgently necessary to ascertain how many of these elements have been deployed for anti-poaching tasks and from which group they come.

14. We urge the Secretary-General to continue with his efforts to press for the complete demobilization of the remaining ex-Koevoet elements who are still serving with SWAPOL and their total withdrawal from the police force. We call upon the Security Council to ensure that all Koevoet personnel are fully accounted for and that South Africa be made to immediately comply with the letter and spirit of Council resolution 435 (1978).

#### UNTAG military

15. The Secretary-General has indicated in paragraph 21 of his report that he is satisfied that the current strength of the military component of UNTAG is adequate to carry out the tasks assigned to it. It is, however, clear from the report that UNTAG military personnel is thinly stretched.

16. It is important to recall in this regard that there are numerous airports and airstrips in Namibia still under the control of South African authorities, which are not being monitored by UNTAG military. UNTAG presently does not have the capacity to monitor and oversee the operations at these airports and airstrips. It is partly for this reason that we maintain that it is necessary to deploy the full complement of the military component of UNTAG. Furthermore, the UNTAG military

component has an unanticipated responsibility in dealing with the real demobilization that will now have to be undertaken after November when all forces will stop receiving salaries. This was not foreseen in Security Council resolution 435 (1978).

#### UNTAG police

17. Paragraph 24 of the Secretary-General's report clearly indicates that the UNTAG police monitors have not received full co-operation from SWAPOL in carrying out their duties. This has made it "difficult for CIVPOL to ensure that all SWAPOL patrols are monitored". South Africa gives uniformed SWAPOL total strength as 6,000. We have reason to believe that the total strength is as large as 8,000, not counting plainclothes officers. The ratio between UNTAG police monitors and SWAPOL is therefore one to eight at current levels of deployment, that is, disregarding the unknown numbers of the plainclothes police, which will make the ratio even more unfavourable.

18. Considering this highly unbalanced ratio, it is no wonder CIVPOL is finding it impossible to cope with the breadth and extent of SWAPOL activities, even without factoring in SWAPOL's bad faith. It remains our conviction that the strength of CIVPOL should be increased beyond the currently envisaged level in order to ensure the effective discharge of its mandate.

#### Electoral legislation

19. The Electoral Proclamation AG 49 was issued only on Friday, 13 October, 25 days before the election date. This is much too late for the registered political parties in Namibia to study and comprehend the various provisions of this complex piece of legislation before the elections commence. For this reason it does not give the political parties enough time to educate the electorate before election day.

20. In paragraph 34, the Secretary-General informs us that counterfeit-proof ballot papers will be prepared by printers located outside Namibia and South Africa. On the other hand, paragraph 4 of annex II to his report says that in their exchange of letters, the Administrator-General and the Special Representative of the Secretary-General agreed that the registration cards and ballot papers will be printed by the State Printers in Pretoria. It is crucial that this contradiction be clarified without delay. Are ballot papers to be printed in Pretoria or in some third country? It is imperative to have the ballot papers printed outside Namibia and South Africa as proposed in paragraph 34, provided, of course, that it will not be done in any one of the countries internationally known to be sympathetic to the Pretoria régime.

#### Impartiality of the media

21. It is totally unacceptable that to date South Africa has refused equal access by all political parties to the State-controlled media, notably the South-West

Africa Broadcasting Corporation (SWABC). This situation must be rectified forthwith.

#### Constituent Assembly

22. It is a matter of grave concern that the key legislation on the Constituent Assembly is not yet issued at this very late stage. It would be recalled that South Africa previously proposed a totally unacceptable draft legislation on this matter that intended to deprive the Namibian people of their sovereign right to determine their future. It is therefore imperative that the legislation concerning the Constituent Assembly be in conformity with Security Council resolutions 435 (1978) and 640 (1989).

#### Political prisoners and detainees

23. It is important that the report of the United Nations mission on detainees referred to in paragraph 50 of the Secretary-General's report be circulated as an official document of the United Nations without further delay.

#### Repeal of restrictive and discriminatory laws

24. The Secretary-General's report indicates in paragraph 51 that the Administrator-General continues to resist the repeal of apartheid Proclamation AG 8 regarding the system of ethnic administration. The Settlement Plan requires the repeal of this discriminatory piece of legislation. The Security Council should ensure, as a matter of urgency, that the Administrator-General repeals Proclamation AG 8 and stops introducing new restrictive legislation and regulations such as AG 23, which has been used to deny political organizations, particularly SWAPO, freedom of assembly during the electoral process.

#### Registration of voters

25. In the light of operative paragraph 6 of Security Council resolution 640 (1989), we attach great importance to the Secretary-General's observations relating to the registration of voters contained in paragraph 52 of his report.

26. Paragraph 6 of annex I to the Secretary-General's report states that some 450 officials from South Africa were registered as voters. The Windhoek Advertiser of 21 September 1989 reported that about 9,481 South Africans had been registered at Ariamsvlei and Noordoewer, close to the border with South Africa. We also understand that about 1,000 South Africans from Walvis Bay registered in Swakopmund. The nearly 11,000 South Africans registered to vote in Namibia are sufficient to secure a seat in the Constituent Assembly. It will be recalled that during the last debate in the Security Council on Namibia, the South African representative informed the Council that he had been authorized by his Government to state that the number of South Africans expected to be registered in Namibia

would not be much more than 5,000. Many of us had our doubts about that assurance and, as is now clear, our reservations were more than justified. It is now crucial that we establish the exact number of South Africans who have registered to vote in Namibia.

#### Observations

27. As made clear in the letter from the Ambassadors of the front-line States to the Secretary-General (A/44/597 of 2 October 1989), it is our understanding that the "agreements and understandings" referred to in paragraph 54 of the Secretary-General's report do not include the check-list.
28. Paragraph 55 of the Secretary-General's report is unbalanced and unfortunate. It unfairly presents in an unfavourable light the major contribution of a member of the front-line States, which has consistently extended its full co-operation to UNTAG but remains silent on South Africa's reluctance to co-operate with UNTAG in the full implementation of Security Council resolution 435 (1978).
29. In paragraph 56 the Secretary-General states that UNTAG has not been given power to enforce compliance with the provisions of Security Council resolution 435 (1978). It should be pointed out, however, that the Security Council has both the power and authority to compel South Africa to comply with resolution 435 (1978) and to invest the Secretary-General with the necessary power and authority to enforce their mandate under resolution 435 (1978). We, therefore, call upon the Security Council to grant the necessary power and authority to the Secretary-General.
30. Time is running out. Many tasks that UNTAG should have accomplished before the elections, especially the dismantling of the South African defence and security network in Namibia, have not been fulfilled. These have now to be done during the transition period before independence. Preparations must be made and plans formulated to enable UNTAG to complete its important mission in Namibia.

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