

um/092/0015/03

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U.N.



UNITED NATIONS

SECURITY
COUNCIL



Distr.
GENERAL

S/13120
26 February 1979

ORIGINAL: ENGLISH

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

1. Pursuant to paragraph 7 of Security Council resolution 439 (1978) concerning the situation in Namibia, I held meetings in New York with the Secretary for Foreign Affairs of South Africa and the Foreign Minister of South Africa from 23 to 24 November (S/12938) and from 27 to 29 November, respectively (S/12950). The meetings focused on paragraph 5 of Security Council resolution 435 (1978), by which the Security Council called on South Africa forthwith to co-operate with the Secretary-General in the implementation of that resolution; as well as on paragraphs 4 and 5 of Security Council resolution 439 (1978) by which the Security Council called upon South Africa immediately to cancel the elections it had planned in Namibia in December 1978; and demanded once again that South Africa co-operate with the Security Council and the Secretary-General in the implementation of its resolutions 385 (1976), 431 (1978) and 435 (1978).
2. In a letter dated 22 December 1978 (S/12983, Annex I), the Minister of Foreign Affairs of South Africa informed me that the Government of South Africa had decided to co-operate in the expeditious implementation of Security Council resolution 435 (1978), and invited me to arrange for my Special Representative to "proceed to South Africa and South West Africa" as soon as possible for the purpose of completing consultations on outstanding issues. By letter dated 1 January 1979 (S/13002), I informed the Foreign Minister of South Africa that, following his Government's decision to co-operate in the expeditious implementation of Security Council resolution 435 (1978), I intended to request Mr. Martti Ahtisaari, my Special Representative, to visit South Africa and Namibia in January to complete consultations on operational requirements for the deployment of the United Nations Transition Assistance Group (UNTAG).
3. My Special Representative, accompanied by the Commander of the Military Component of UNTAG and a staff of United Nations officials, visited South Africa and Namibia from 13-22 January for the purpose of completing consultations on the transitional arrangements called for in the Proposal for a settlement of the Namibian situation (S/12636) and the operational requirements for the deployment of UNTAG.
4. At a subsequent stage, after reporting to me in New York, my Special Representative visited Tanzania, Mozambique, Zambia, Botswana and Angola from 28 January to 10 February to consult with them on the current situation relating to Namibia. At the invitation of the Government of Nigeria, he also had talks in Lagos from 11-12 February.

5. My Special Representative held consultations with Mr. Sam Nujoma, President of SWAPO, at Luanda on 9 and 10 February. Their discussions covered the implementation of the settlement Proposal and practical arrangements to be made for the transitional period.

6. My Special Representative has now reported to me on his discussions with the South African authorities, SWAPO and the Governments mentioned above. He informed me of the willingness of both South Africa and SWAPO to co-operate in the implementation of Security Council resolution 435 (1978). However, during the meetings between my Special Representative and the representatives of South Africa and SWAPO, it became apparent that the two parties concerned had differing interpretations and perceptions regarding the implementation of certain provisions of the settlement Proposal. With a view to resolving these differences, I considered it necessary to consult further with the five Western Powers, which had worked out the Proposal with South Africa and SWAPO, as well as with the Front Line States.

7. In the light of all the information I have been able to obtain, and after hearing the views of the parties directly concerned, I have concluded that, in the circumstances and as a practical matter, the outstanding issues referred to in the paragraphs below should be resolved along the following lines.

A. Return of Namibians

8. The settlement Proposal (S/12636), in paragraph 7 (c), states that "all Namibian refugees or Namibians detained or otherwise outside the Territory of Namibia will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment. Suitable entry points will be designated for these purposes". The South African Government has confirmed to my Special Representative its acceptance of this provision in its entirety and I shall take all measures to ensure that it is scrupulously observed.

9. In order to facilitate the peaceful return of Namibians to the Territory, provisions have been made by the United Nations High Commissioner for Refugees (UNHCR) for the establishment of entry points and facilities to assist these returning Namibians. In accordance with normal UNHCR practice, reception centres will provide transit facilities for those returning Namibians who want them. These centres will be operated under the close supervision of the UNHCR to ensure that all returning Namibians will be free to locate where they wish; any other arrangements would be contrary to the guarantee of full freedom of movement in paragraph 6 of the settlement Proposal.

10. The provision made in paragraph 8 (d) of the settlement Proposal for SWAPO personnel outside of the Territory to return peacefully to Namibia through designated entry points to participate fully in the political process means that such return should take place without arms or other military equipment. Should any personnel seek to return bearing arms or equipment, such items would be placed under United Nations control.

B. Restriction to base

11. According to the settlement Proposal, coincidental with a cessation of all hostile acts the South African Defence Forces (SADF) and SWAPO armed forces will be restricted to base. This would involve the restriction to base of all SADF forces within Namibia and their subsequent phased withdrawal as outlined in the Proposal. Any SWAPO armed forces in Namibia at the time of the cease-fire will likewise be restricted to base at designated locations inside Namibia to be specified by the Special Representative after necessary consultation. The monitored move of these SWAPO armed forces to base cannot be considered as a tactical move in terms of the cease-fire.

12. All SWAPO armed forces in neighbouring countries will, on the commencement of the cease-fire, be restricted to base in these countries. While the Proposal makes no specific provision for the monitoring by UNTAG of SWAPO bases in neighbouring countries, nevertheless, however, paragraph 12 of the Proposal states that: "Neighbouring countries shall be requested to ensure to the best of their abilities that the provisions of the transitional arrangements, and the outcome of the election, are respected. They shall also be requested to afford the necessary facilities to the United Nations Special Representative and all United Nations personnel to carry out their assigned functions and to facilitate such measures as may be desirable for ensuring tranquility in the border areas."

13. I attach special importance to the repeated assurances which I have received from the neighbouring States to the effect that they will ensure to the best of their abilities that the provisions of the settlement are adhered to. In this connexion, in order to facilitate further this co-operation, I have sought the agreement of the Governments of Angola, Botswana and Zambia for the establishment of UNTAG offices in their countries to co-operate with them in the implementation of the relevant provisions of the Proposal.

C. Cease-fire arrangements

14. The settlement Proposal calls for "a comprehensive cessation of all hostile acts". As previously indicated by me (see S/12869 and S/12938) it is my intention to propose a procedure for the commencement of the cease-fire. Thereafter, the various steps indicated in the Proposal for a settlement, as reflected in resolution 435 (1978), would take place. I intend to send identical letters to South Africa and SWAPO proposing a specific hour and date for the cease-fire to begin. In that letter I would also request both parties to inform me in writing of their agreement to abide by the terms of the cease-fire. I would require that they advise me of their agreement by a specific date which would be ten days before the beginning of the cease-fire. This period is necessary for both parties to have adequate time to inform their troops of the exact date and time for the commencement of the cease-fire and for UNTAG to deploy. The text of the proposed letter is attached as an annex to this report.

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D. Composition of the military component

15. Aside from the outstanding issues concerning the implementation of the settlement Proposal mentioned above, the question of the composition of the military component of UNTAG remains to be finalized. In the course of my consultations with the parties, I have communicated to them a list of possible troop-contributing countries which, in the circumstances, I consider can best meet the requirements of UNTAG. Before the commencement of the United Nations operation in Namibia, I shall submit to the Security Council, in accordance with established practice, the proposed composition of the military component. In drawing up the list of contributing countries, I shall take into due account the views of the parties while seeking to balance those factors I consider essential in the case, such as the principle of equitable geographical representation, the willingness of the troop-contributing countries to participate and, in the case of logistics, the capacity to perform the required tasks.

E. Agreement on the status of UNTAG

16. A draft agreement on the status of UNTAG was first presented to the South African authorities in August 1978. Agreement has now been reached with those authorities in respect of most of its provisions. As stated in my report of 29 August 1978 (S/12827) UNTAG and its personnel must necessarily have all the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations, as well as those especially required for the proposed operation.

Concluding remarks

17. The settlement Proposal requires that all its provisions be completed to the satisfaction of the Special Representative. In agreeing to the implementation of Security Council resolution 435 (1978), the parties have agreed to abide by those provisions. The United Nations has the responsibility of assessing the implementation of the various military provisions of the Proposal. Similarly, the Special Representative is to be satisfied about the various provisions regarding the creation of conditions for and the conduct of elections. There is no basis for unilateral determinations or for unilateral actions by any party. At the same time it is recognized that the effective implementation of the Proposal is dependent upon the continued co-operation of the parties. Should the implementation of the Proposal be jeopardized as a result of failure of any party to carry out its provisions, I would bring the matter immediately to the attention of the Security Council.

18. I have already communicated to the Government of South Africa and SWAPO the basic elements of the proposals contained in this report. In the light of the above proposals, and if the co-operation of the parties concerned is forthcoming, I intend to designate the date of 15 March 1979 for the commencement of the emplacement of UNTAG and the entry into force of the cease-fire. The letter on the cease-fire will be transmitted accordingly. In the interim, I appeal to all parties to exercise restraint and to refrain from actions which might jeopardize the settlement.

19. I should like to draw attention to paragraph 18 of my report of 29 August 1978 (S/12827) in which I stated that "it is expected that the duration of UNTAG would be for one year, depending on the date of independence to be decided by the Constituent Assembly".

ANNEX

Cease-fire letter to be sent by the Secretary-General to
both the South African Government and SWAPO

"In accordance with the Proposal for a Settlement of the Namibian situation as approved by Security Council resolution 435 (1978), I propose that a cease-fire take place beginning at 0000 hours on 15 March 1979. At that time comprehensive cessation of all hostile acts is to take effect.

"I request you to assure me in writing no later than 5 March 1979 that you have accepted the terms of the cease-fire and that you have taken all necessary measures to cease all warlike acts and operations. These include tactical moves, cross-border movements and all acts of violence and intimidation in, or having effect in Namibia."
