

sanctions decided on by the United Nations and the Organization of African Unity against the Republic of South Africa remain in effect and that the Togolese Government has therefore upheld the prohibition regarding relations of any kind whatsoever between Togo and South Africa.

This measure constitutes Togo's positive contribution to the implementation of the provisions of resolution 418 (1977).

DOCUMENT S/12827

Report of the Secretary-General submitted pursuant to paragraph 2 of Security Council resolution 431 (1978) concerning the situation in Namibia

[Original: English]
[29 August 1978]

INTRODUCTION

1. At its 2082nd meeting on 27 July 1978, the Security Council adopted resolution 431 (1978). By that resolution, the Council, recalling its resolution 385 (1976) and taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978, requested me to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations. The full text of resolution 431 (1978) reads as follows:

"The Security Council,

"Recalling its resolution 385 (1976) of 30 January 1976,

"Taking note of the proposal for a settlement of the Namibian situation contained in document S/12636 of 10 April 1978,

"1. Requests the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;

"2. Further requests the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with Security Council resolution 385 (1976);

"3. Urges all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date."

2. Immediately following the decision of the Council, I appointed Mr. Martti Ahtisaari, the United Nations Commissioner for Namibia, my Special Representative for the purposes of the resolution.

3. Mindful of the Council's further request contained in paragraph 2, I requested my Special Representative to undertake, at the earliest possible date, a survey mission to Namibia for the purpose of gathering for me all the information necessary for the preparation of the present report. To assist him in this task, I placed at his disposal a team of United Nations officials and military advisers.

4. This report, which is based on the survey of my Special Representative, is submitted to the Security Council pursuant to paragraph 2 of resolution 431 (1978), in which the Council requested the Secretary-General "to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal in accordance with Security Council resolution 385 (1976)".

I. THE SURVEY MISSION

5. As stated above, my Special Representative, accompanied by a staff of United Nations officials and military advisers, visited Namibia from 6 to 22 August for the purpose of carrying out a survey of all matters relative to the implementation of resolution 431 (1978).

6. In addition to meetings with the Administrator-General of the Territory and his staff, as well as with the South African military and police commanders and local authorities, the Special Representative had the opportunity to consult extensively representatives of political parties, churches, the business community and individuals. His consultations in this regard covered a wide spectrum of public opinion within the Territory. In this connexion, the Special Representative and his staff, by travelling extensively within the Territory, were able to familiarize themselves with local conditions which would have relevance to the effective organization and operation of a United Nations Transition Assistance Group (UNTAG) entrusted with the tasks set out in the proposal for a settlement of the Namibian situation contained in document S/12636.

7. In the course of his meetings and consultations, the Special Representative was able to obtain the views of not only the Administrator-General and his staff but also the representatives of the Namibian people on a broad range of important topics relating to the necessary conditions for the holding of free and fair elections and to the role of the United Nations. Among the principal subjects discussed were: the repeal of all the remaining discriminatory or restrictive laws, regulations or administrative measures which might abridge or inhibit the objective of free and fair elections; arrangements for ensuring the release of political prisoners and detainees, as well as the voluntary return of Namibians; the arrangements and dispositions required to ensure the cessation of all hostile acts; the electoral process; the composition and work of the Constituent Assembly; and the timetable for the accomplishment of the above stages. The military aspects of the operation, with special reference to the introduction and functioning of the military component of UNTAG, were also fully discussed. In addition, the Special Representative also discussed with the Administrator-General the manner of ensuring the good conduct of the police and the arrangements necessary to assure the free and unrestricted discharge by the United Nations staff of the tasks assigned to them.

II. GENERAL GUIDELINES

8. The implementation of the proposal in paragraph 2 of

resolution 431 (1978) will require the establishment of a United Nations Transition Assistance Group in the Territory, consisting of a civilian component and a military component. Because of the unique character of the operation and the need for close co-operation between them, both components will be under the over-all direction of the Special Representative of the Secretary-General.

9. The Special Representative will report to me, keeping me informed and making such recommendations as he considers necessary with respect to the discharge of his responsibilities. The Secretary-General, in accordance with the mandate entrusted to him by the Security Council, will keep the Council fully informed of developments relating to the implementation of the proposal and to the functioning of UNTAG. All matters which might affect the nature or the continued effective functioning of UNTAG will be referred to the Council for its decision.

10. The deployment of both components of UNTAG must take into account the specific geographic, demographic, economic and social conditions prevailing in Namibia. These include, in particular, the vast distances and varied nature of topography and vegetation; the broad ranges of climatic conditions; the scarcity of water; the population distribution and existing communication network, the distribution and concentration of ethnic groups; and the lack of an adequate infrastructure in the north, such as roads and other communications and facilities. All these factors, when analysed, make it evident that sizeable resources, both military and civilian, will be required to provide the close monitoring called for in document S/12636.

11. In performing its functions, UNTAG will act with complete impartiality. In order that the proposal may be effectively implemented, it is expected that the Administrator-General and all other officials from within the Territory will exhibit the same impartiality.

12. For UNTAG to carry out all its tasks effectively, three essential conditions must be met. First, it must at all times have the full support and backing of the Security Council. Secondly, it must operate with the full co-operation of all the parties concerned, particularly with regard to the comprehensive cessation of all hostile acts. Thirdly, it must be able to operate as a combined United Nations operation, of which the military component will constitute an integrated, efficient formation within the wider framework of UNTAG.

13. To monitor the cessation of hostilities effectively, to maintain surveillance of the Territory's vast borders and to monitor the restriction to base of the armed forces of the parties concerned, the co-operation and support of the neighbouring countries will be necessary. Such co-operation will be most important, particularly during the early stages.

14. Implementation of the proposal, and thus the work of UNTAG, will have to proceed in successive stages. These stages, which are detailed in the annex to document S/12636, can be grouped as follows:

(a) Cessation of all hostile acts by all parties and the withdrawal, restriction or demobilization of the various armed forces;

(b) Conduct of free and fair elections to the Constituent Assembly, for which the pre-conditions include the repeal of discriminatory or restrictive laws, regulations or administrative measures, the release of political prisoners and detainees and voluntary return of exiles, the establishment of effective monitoring by the United Nations and an adequate period for electoral campaigning;

(c) The formulation and adoption of a Constitution for Namibia by the Constituent Assembly;

(d) The entry into force of the Constitution and the consequent achievement of independence of Namibia.

15. The length of time required for these stages is directly related to the complexity of the tasks to be performed and to the overriding consideration that certain steps are necessary before it can be said that elections have been held under free and fair conditions. It will be recalled that the proposal envisaged a series of successive stages, spaced so as to provide a sufficient lapse of time before the holding of the elections. This should permit, among other things, the release of political prisoners and detainees, the return and registration of all Namibians outside the Territory who may wish to participate in the electoral process, the deployment of United Nations military and civilian personnel and electoral campaigning by all parties in an atmosphere of tranquillity. The timetable set out in the proposal called for the lapse of approximately seven months from the date of the approval of the present report by the Security Council to the holding of the elections.

16. In his discussions with the Special Representative, the Administrator-General said that the South African authorities, having previously established 31 December 1978 as the date of independence, felt that they were committed thereto and that, consequently, the elections should take place as scheduled, regardless of the fact that it would necessitate substantially reducing the timetable necessary for completion of the preparatory plans. A majority of the political parties was of the opinion, however, that it was essential to maintain the orderly phasing of the preparatory stages and to allow sufficient time for electoral campaigning in order to ensure free and fair elections. Further, it was pointed out that the actual date of independence would fall within the competence of the Constituent Assembly.

17. It will be recalled however that, at the time the proposal was first formulated, the date of 31 December 1978 was consistent with completion of these steps. The delay in reaching agreement among the parties now makes completion by this date impossible. It is therefore recommended that the transitional period should begin on the date of approval of the present report by the Security Council and proceed in accordance with the steps outlined in document S/12636. Using the same timetable that earlier provided the 31 December 1978 date, an appropriate date for elections would be approximately seven months from the date of the approval of the present report.

18. Estimates of the periods of time required for completion of stages *a* and *b* of paragraph 14 above are included in the annex to document S/12636. In view of the fact that the periods required for stages *c* and *d* would be determined by the Constituent Assembly, it is expected that the duration of UNTAG would be one year, depending on the date of independence to be decided by the Constituent Assembly.

19. UNTAG will have to enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks. For this purpose 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.

20. The military component of UNTAG will not use force except in self-defence. Self-defence will include resistance to attempts to prevent it from discharging its duties under the mandate of the Security Council. UNTAG will proceed on the assumption that all the parties concerned will co-operate with it and take all the necessary steps for compliance with the decisions of the Council.

III. ESTABLISHMENT OF UNTAG

A. Military Component

21. The functions which will be performed by the military

component of UNTAG are set out in paragraph 8 and in the annex of document S/12636. These include, in particular:

(a) Monitoring the cessation of hostile acts by all parties, the restriction of South African and SWAPO armed forces to base, the phased withdrawal of all except the specified number of South African forces and the restriction of the remainder to specified locations;

(b) Prevention of infiltration as well as surveillance of the borders of the Territory;

(c) Monitoring the demobilization of citizen forces, commandos and ethnic forces, and the dismantling of their command structure.

22. The military component will assist and support the civilian component of UNTAG in the discharge of its tasks.

23. The military component of UNTAG will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The command in the field will be exercised by a Commander appointed by the Secretary-General with the consent of the Council. The Commander will report through the Special Representative to the Secretary-General on all matters concerning the functioning of the military component of UNTAG.

24. The military component will comprise a number of contingents to be provided by Member States upon the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographical representation. In addition, a body of selected officers to act as monitors will form an integral part of the military component.

25. The military component, including the monitors, will be provided with weapons of a defensive character, consistent with the guidelines set out in paragraph 20 above.

26. In order that the military component may fulfil its responsibilities, it is considered that it should have a strength of the order of seven infantry battalions, totalling approximately 5,000, plus 200 monitors, and, in addition, command, communications, engineer, logistic and air support elements totalling approximately 2,300. The infantry battalions should be fully self-sufficient.

27. It will be essential to establish an adequate logistic and command system at the very outset of the operation. It will therefore be necessary to obtain urgently from Governments the elements of such a system. In this connexion, it may well be necessary to use also the services of civilian contractors for some logistic functions, as appropriate. In the nature of the physical circumstances pertaining to this operation, UNTAG may have to rely to a considerable extent on existing military facilities and installations in Namibia.

B. Civilian Component

28. The civilian component will consist of two elements. One of these elements will be the civil police, whose function will be to assist the Special Representative in implementing the tasks set out in paragraphs 9 and 10 of document S/12636.

29. The duties of the civil police element of UNTAG will include taking measures against any intimidation or interference with the electoral process from whatever quarter, accompanying the existing police forces, when appropriate, in the discharge of their duties and assisting in the realization of the function to be discharged by the Administrator-General to the satisfaction of the Special Representative of ensuring the good conduct of the existing police forces.

30. In order that the UNTAG police may fulfil their responsibilities, as described above, it is considered, as a preliminary estimate, that approximately 360 experienced

police officers will be required. It is hoped that police officers will be made available by Governments on a secondment basis, bearing in mind the accepted principle of equitable geographical representation as well as the language and other requirements of the assignment.

31. The non-police element of the civilian component of UNTAG will have the function of assisting the Special Representative in implementing paragraphs 5 to 7 of document S/12636 and the relevant sections of the annex thereto. These tasks will consist, in particular, of the following:

(a) Supervising and controlling all aspects of the electoral process, considering the fairness and appropriateness of the electoral procedures, monitoring the balloting and the counting of votes, in order to ensure that all procedures will be strictly complied with, and receiving and investigating complaints of fraud or challenges relating to the electoral process;

(b) Advising the Special Representative as to the repeal of discriminatory or restrictive laws, regulations or administrative measures which may abridge or inhibit the objective of free and fair elections;

(c) Ensuring the absence of or investigating complaints of intimidation, coercion or restrictions on freedom of speech, movement or peaceful political assembly which may impede the objective of free and fair elections;

(d) Assisting in the arrangements for the release of all Namibian political prisoners or detainees and for the peaceful, voluntary return of Namibian refugees or Namibians detained or otherwise outside the Territory;

(e) Assisting in any arrangements which may be proposed by the Special Representative to the Administrator-General and implemented by the Administrator-General to the Special Representative's satisfaction intended to inform and instruct the electorate as to the significance of the election and the procedures for voting.

32. Bearing in mind the vast size of the Territory, the dispersal of the population and the lack of adequate communications, it is considered, as a preliminary estimate, that approximately 300 Professional officers, as well as the necessary supporting staff, will be required initially until the cessation of hostile acts has been achieved. Thereafter about 1,000 Professional and 200 field service and General Service staff will be required during the electoral campaign and the period of balloting in order to cover all the polling stations. The staff will, among other duties, be required for 24 regional centres and more than 400 polling stations.

33. It is anticipated that some of these officials will be provided from among existing United Nations staff and that some will be persons appointed specially for this operation. In addition, it is my hope that a significant number of officials can be seconded or loaned by Governments. All such seconded or loaned personnel will be required to assume the responsibilities incumbent on United Nations officials.

34. It is also my intention to conduct consultations concerning the designation of a jurist of international standing whose appointment as legal adviser to the Special Representative is provided for in paragraph 7b of document S/12636.

IV. PROPOSED PLAN OF ACTION

35. Subject to the approval of the present report by the Security Council, it is my intention to initiate the operation as quickly as possible.

36. It is my intention to appoint Major-General Hannes Philipp Commander of the military component of UNTAG; he has extensive experience of United Nations peace-keeping operations and is already familiar with the situation in Namibia.

37. Immediately following such a decision by the Security Council, the Special Representative, accompanied by the Commander of the military component, the key elements of their staffs and the essential command and logistic elements, will proceed to Namibia in order to establish the headquarters of UNTAG and begin operations as quickly as possible.

38. A number of Governments have already expressed their interest in providing military contingents for UNTAG. Immediately upon the approval of the present report by the Security Council, it is my intention to consult the Council and the parties concerned on the composition of the military component, bearing in mind the principle of equitable geographical representation, on the one hand, and the necessity of obtaining self-sufficient units, on the other. Every effort will be made to begin the deployment of the military component within three weeks and to bring it to its full strength within 12 weeks. For this to be achieved, it will be necessary to determine the composition of the military component at the earliest possible time.

39. It is also my intention to approach Governments to provide military personnel to serve as monitors. In the initial stages, given the urgency of deploying at least some of the monitors, it may be possible to draw upon officers already serving with other existing United Nations operations. This may also apply to key staff positions.

40. As regards civilian personnel, it is likewise my intention, as stated in paragraphs 30 and 33 above, to approach

Governments to make available on secondment or loan experienced police officers to serve as police monitors and other experienced officials to serve in the civilian component of UNTAG. In recruiting civilian staff for UNTAG, I shall bear in mind both the accepted principle of equitable geographical representation and the urgent need to deploy a large number of experienced staff within the shortest possible time.

V. FINANCIAL IMPLICATIONS

41. At present there are too many unknown factors to permit an accurate assessment of the cost of UNTAG. Based on the numbers of personnel specified in this report and the envisaged duration of 12 months, and taking into account the magnitudes and elements of the financial requirements experienced in other peace-keeping operations, the indications are that the financial requirements for UNTAG could be as high as \$300 million, of which approximately \$33 million will be required to finance the return of refugees and exiles. In view of the nature of the operation, due regard should be given to the fact that some elements of the operation may be phased out before the end of the mandate and that alternative arrangements may be possible which could result in lower costs.

42. The costs of UNTAG shall be considered expenses of the Organization to be borne by the Member States in accordance with Article 17 paragraph 2, of the Charter.

DOCUMENT S/12832

Note verbale dated 28 August 1978 from the representative of the Central African Empire to the Secretary-General

*[Original: French]
[1 September 1978]*

The Permanent Representative of the Central African Empire to the United Nations presents his compliments to the Secretary-General and has the honour to transmit to him the reply of the Government of the Central African Empire to his note of 18 May concerning the question of South Africa and the measures taken in implementation of resolution 418 (1977).

LETTER DATED 24 JUNE 1978 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE CENTRAL AFRICAN EMPIRE TO THE REPRESENTATIVE OF THE CENTRAL AFRICAN EMPIRE

I have the honour to refer to your communication of 20 June 1978 transmitting to me, for action, the note of 18 May 1978 in which the Secretary-General invites Member States

to inform him as soon as possible, for transmission to the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, of the measures taken to implement resolution 418 (1977) and, in particular, paragraph 3 thereof.

In this connexion, I should like to assure the Secretary-General that the Central African Empire neither sells arms to nor buys arms from South Africa and that it will act strictly in accordance with the provisions of the resolution on the arms embargo against South Africa.

*(Signed) J. P. MOKODOPO
Minister for Foreign Affairs
of the Central African Empire*

DOCUMENT S/12833

Letter dated 2 September 1978 from the representative of Venezuela to the President of the Security Council

*[Original: Spanish]
[2 September 1978]*

On the instructions of my Government, I should like to request you to convene an urgent meeting of the Security Council to consider the situation in Nicaragua, whose duration and gravity threaten the peace and security of the region. Not only is a Govern-