



Security Council

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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
EIGHT HUNDRED AND SEVENTY-SIXTH MEETING

Held at Headquarters, New York,
on Wednesday, 16 August 1989, at 11.00 a.m.

President: Mr. DJOUDI

(Algeria)

Members: Brazil
Canada
China
Colombia
Ethiopia
Finland
France
Malaysia
Nepal
Senegal
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America
Yugoslavia

Mr. ALENCAR
Mr. KIRSCH
Mr. LI Luye
Mr. PEÑALOSA
Mr. TADESSE
Ms. RASI
Mr. BLANC
Mr. HASMY
Mr. RANA
Mrs. DIALLO
Mr. LOZINSKIY

Sir Crispin TICKELL
Mr. OKUN
Mr. KOTEVSKI

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The meeting was called to order at 12.05 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN NAMIBIA

LETTER DATED 10 AUGUST 1989 FROM THE PERMANENT REPRESENTATIVE OF GHANA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20779)

LETTER DATED 10 AUGUST 1989 FROM THE PERMANENT REPRESENTATIVE OF ZIMBABWE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/20782)

The PRESIDENT (interpretation from French): I should like to inform the Council that I have received letters from the representatives of Angola, Cameroon, Cuba, Egypt, Ghana, Mali, Nigeria, South Africa, the United Republic of Tanzania and Zambia in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Gbeho (Ghana) took a place at the Council table; Mr. Diakenga Seroo (Angola), Mr. Engo (Cameroon), Mr. Oramas Oliva (Cuba), Mr. Badawi (Egypt), Mr. Diakite (Mali), Mr. Garba (Nigeria), Mr. Shearar (South Africa), Mr. Mongella (United Republic of Tanzania) and Mr. Zuze (Zambia) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT (interpretation from French): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in response to the requests contained in two letters dated 10 August 1989

(The President)

from the Permanent Representatives of Ghana and Zimbabwe to the United Nations addressed to the President of the Security Council, documents S/20779 and S/20782, respectively.

I should like to draw the attention of members of the Council to the following documents: S/20784, letter dated 10 August 1989 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General; and S/20788, letter dated 15 August 1989 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General.

The first speaker is the representative of Ghana, who wishes to make a statement in his capacity as Chairman of the Group of African States for the month of August.

Mr. GBEHO (Ghana): I should like to begin my statement before the Council with an expression of sincere congratulations to you, Sir, on your assumption of the very important office of President of the Security Council for the month of August. As an illustrious son of Africa who has achieved this distinction, you fill us with justifiable pride. I have no doubt that your accomplishments as a diplomat and negotiator will benefit the Council immensely.

May I take this opportunity to offer my thanks and appreciation to His Excellency Mr. Dragoslav Pejic of Yugoslavia for his successful leadership of the Council during the month of July.

I have come before the Council today in my capacity as Chairman of the Group of African States at the United Nations to express the Group's serious concern at the current situation in Namibia as the Territory continues preparations for its independence. The African Group has turned to the Council because it was this body which mandated the transitional process in the Territory and also ensured the involvement of the United Nations Transition Group (UNTAG).

(Mr. Gbeho, Ghana)

In short, we wish to draw the Council's urgent attention to current conditions in the Territory which, in our considered view, militate against the achievement of the objectives of Security Council resolution 435 (1978). We are here to request the Council urgently to reassess the situation in Namibia with a view to further exercising its powers and influence for ensuring free and fair elections in the Territory.

However, let me first convey the appreciation and gratitude of the African Group for the creditable work that the Secretary-General, Mr. Javier Perez de Cuellar, and his staff continue to perform in respect of Namibia. The difficulties that they have encountered since the transitional process began are colossal and the limited success achieved so far commendable. We are nevertheless here today to entreat the Council to do a little more to support and enhance the efforts of the Secretary-General so that there is an assurance not only of the holding of elections by a certain date but also a guarantee that all aspects of the electoral process will be beyond reproach.

When an Agreement was signed by Angola, Cuba and South Africa on 22 December 1988, that event ushered in a prospect for peace such as the Territory of Namibia had never experienced before. The Agreement committed the countries in the region, including the Republic of South Africa, to co-operate with the Secretary-General to ensure the independence of Namibia through free and fair elections. It was accepted - and the Council endorsed it - that the process leading to the independence of Namibia should be in accordance with Security Council resolution 435 (1978). That resolution and subsequent resolutions of the Council have consistently maintained that the electoral process should be free and fair, and that it should be under the supervision and control of the Secretary-General and his Special Representative in the Territory.

(Mr. Gbeho, Ghana)

After a serious and careful assessment of the situation in Namibia, the African Group considers it its bounden duty to inform the Council that, four whole months after its commencement, the electoral process is still neither free nor fair and that the actions of South Africa, through its Administrator-General, have virtually diminished the authority of the Special Representative rather than assisted him to be an effective controller. Almost routine departures from agreed procedures have continued over a long period.

The African Group could have turned to the Council earlier but for the fact that the Secretary-General had scheduled a visit to the Territory in July, and the Organization of African Unity (OAU), the relevant regional organization, had also planned to discuss the same matter at the recently held summit meeting in Ethiopia. It was decided, in the circumstance, that any action should await the completion of those two events. Both have now taken place and, regrettably, the situation in Namibia does still not augur well for the holding of free and fair elections. It has become necessary to call the urgent attention of the Council to this unsatisfactory and dangerous situation in order to ensure justice to all parties in the remaining period of the electoral process.

The first major concern of the African Group is the continued presence and violent activities of the erstwhile South African counter-insurgency unit known as Koevoet. Let me quote the Secretary-General on this unhappy situation. In his address to the twenty-fifth summit meeting of the Organization of African Unity, in Addis Ababa on 24 July 1989 he said:

"Regrettably, these provisions have not been fully respected. First, after the disbandment of the counter-insurgency unit, Koevoet, certain elements of that unit were absorbed into the South West Africa Police (SWAPO). In the years preceding implementation of the United Nations plan, Koevoet had earned an evil reputation in northern Namibia. UNTAG has clearly established that

(Mr. Gbeho, Ghana)

ex-Koevoet elements in SWAPOL have not adjusted to the new political situation in Namibia and have continued to harass and intimidate the civilian population. They are not suitable for continued employment in the police force under the terms of the United Nations plan. Furthermore, the use by SWAPOL, especially the ex-Koevoet elements, of the armoured personnel carriers known as CASSPIRS and of the heavy machine-guns, is clearly contrary to the settlement plan's stipulation that the 'police should be lightly armed'."

As a result of the efforts deployed by the Secretary-General and his Special Representative, the Secretary-General reports that some progress has been made in this area. However, the international media and numerous eye-witness accounts of events in Namibia in the last few days, confirm that elements of Koevoet are still murdering, maiming and generally harassing rural dwellers, especially supporters of the South West Africa People's Organization (SWAPO), with the obvious intention of compelling them to switch political support.

In addition to recognizing that the unlawful and evil activities of the dreaded Koevoet constitute a threat to life, limb and property, the Council must also agree that the integration of elements of that unit into the South West Africa Police (SWAPOL) is contrary to the terms of resolution 435 (1978) and also unwise, considering the terrible reputation of the Koevoet. Even more important is the fact that if the harassment continues unchecked it would doubtless affect many Namibians psychologically, especially the simple peasants and other rural dwellers, in a manner that could impact adversely on the elections in November. Of course, this is the objective of the Koevoet, for whose activities the Administrator-General and South Africa are responsible.

The Council is under no obligation to be party to this infraction of resolution 435 (1978). Indeed, as the Secretary-General said in the statement I

(Mr. Gbeho, Ghana)

referred to earlier, and the African Group agrees with him totally:

"... there must be full compliance with the settlement plan's provisions relating to the police."

The Council is obliged to uphold this important view. Any reported intention of the Administrator-General to have Koevoet elements confined will still not meet the requirement of resolution 435 (1978) because the Koevoet unit was supposed to have been disbanded and its command structure dismantled. The recently announced measures by the Administrator-General fall short of the requirements of resolution 435 (1978) and therefore cannot be accepted.

The second matter of concern to the African Group, and which also requires the urgent attention of the Council, centres on the loop-hole in the recent Voter Registration Proclamation which allows South African nationals to register and to vote in the forthcoming elections.

(Mr. Gbeho, Ghana)

In May this year the Government of South Africa, through its Administrator-General in Namibia, published a draft Registration of Voters Law (AG19) 1989, which provided for the registration and voting of non-Namibians in the proposed elections for the Constituent Assembly. Quite apart from the imprudence of allowing only 21 days for the submission of comments on the draft before it becomes law, the Administrator-General proceeded to ignore all reasoned comments made by the South West Africa People's Organization (SWAPO), the churches and the trade unions by finalizing the draft law and promulgating it. Information emanating from Namibia indicates that this law has enabled a host of South Africans and other foreigners to be registered to vote in the Constituent Assembly elections.

The draft Constituent Assembly Proclamation of 21 July 1989 in Section 4(1) states that:

"Any person whose name appears on the register of voters and who is of or over the age of twenty-one years and is not subject to a qualification mentioned in subsection (2) shall be qualified to be elected, or to be a member of, the Assembly."

This broad definition of who is qualified to be elected to the Constituent Assembly surely goes beyond the wording of Security Council resolution 435 (1978), which provides in paragraph 6 of the Western proposal (S/12636) that "every adult Namibian" shall be eligible to stand for elections. The only point at issue in that recommendatory provision is who is a Namibian. In the absence of a legal meaning, because current Namibian citizenship as such does not exist, it should by any reasonable inference exclude (a) citizens of other countries and (b) persons who, although born in Namibia, have either taken up permanent residence elsewhere or have transferred their allegiance by taking foreign citizenship, serving in the armed forces of another country or voting in foreign elections.

(Mr. Gbeho, Ghana)

Amendments to the present law are therefore necessary if we are to stem the present rush to register by South African erstwhile soldiers and civil servants who have served in the administration, armed forces or police in Namibia. Their purpose, of course, is to frustrate the electoral process which the Council and the international community insist should be free and fair. The Council therefore should act to stop this practice because it is unfair to the people of Namibia and the electoral process itself.

The African Group would like also to draw the particular attention of the Council to some important aspects of the series of draft proclamations recently issued by the Administrator-General because they constitute a subtle attempt at excluding a substantial number of SWAPO members, especially its leadership, from registering, being qualified to be elected or voting in the proposed elections. Such an attempt is forbidden by resolution 435 (1978) and no proclamation should make it legal.

The subsections of Section 4(2) of the draft Constituent Assembly, for example, bar persons from serving who should be eligible for membership of the Assembly. Section 4(2) (a), to be precise, states that no person shall be qualified to be elected to, or to be a member of, the Assembly if he

"has been convicted of an offence referred to in Schedule I of the Criminal Procedure Act, 1977 (Act 51 of 1977)".

Of course Schedule I of Act 51 specifically includes not only the political crimes of treason and sedition, but also "any offence" punishable by a term of imprisonment of more than six months without the option of a fine. The interpretation of the phrase "any offence" by the South African authorities, notably the Administrator-General, is that it covers all political offences. Surely this was not the intention of resolution 435 (1978).

(Mr. Gbeho, Ghana)

In assessing this clause I ask the Council to bear in mind that a substantial number of SWAPO's most active supporters in Namibia have been convicted by South Africa of political crimes. This was the unavoidable part of the political struggle for independence which the Council understands and now wishes to settle through the plan for the independence of Namibia. Indeed, many refugees had fled the Territory at some time or other in order to avoid constant harassment after serving a term for such an offence. If this provision were therefore to remain law, many of SWAPO's most prominent members, including for example Toivo ya Toivo, who spent several years in gaol because of his nationalism, would be disqualified.

Nor is that the end of the attempt by South Africa to deal an indirect blow to one of the parties, SWAPO, in the implementation of resolution 435 (1978). Section 4(3) (a) states that

"a person who has been granted a free pardon shall be deemed not to have been convicted of the offence in respect of which he has been pardoned".

This otherwise generous and logical provision is, however, intended to delude. A careful examination would reveal that it is of no benefit to many SWAPO members who have been convicted of political crimes since the amnesty recently granted to returnees under Proclamation AG 13 of 1989 apparently does not constitute a pardon. Furthermore, that amnesty applies only to returning refugees and not to Namibians who remained in the Territory.

The Special Representative of the Secretary-General did not succeed in having all such unfair clauses expunged from the various draft proclamations, presumably because resolution 435 (1978) confers responsibility for proclamations on the Administrator-General only. But we hold that such an attitude is in conflict with the Council's directives that the Special Representative should "supervise and

(Mr. Gbeho, Ghana)

control" the implementation of the said resolution. We call upon the Council in the circumstance to resolve the problem in favour of fairness and justice to all parties.

(Mr. Gbeho, Ghana)

The last point that I wish to make about the various proclamations now obtaining in Namibia is the excessive power they vest in the Administrator-General. In the matter of the functioning of the Constituent Assembly, for instance, he has the authority to ignore the Assembly's requests, recommendations and proposals as to any course of action the Assembly desires to be followed for the attainment of the sovereign independence of Namibia.

Section 2 (4), of the Constituent Assembly Proclamation states that:

"The Administrator-General shall not be obliged to give effect to any request, recommendation or proposal submitted by the Assembly under subsection (3)".

Subsection (3) allows the Assembly to submit requests, recommendations and proposals to the Administrator-General on

"any course of action it desires to be followed or any steps it desires to be taken with a view to the attainment of independence by the territory as a sovereign state".

This means that all requests or proposals are at the total discretion of the Administrator-General and do not have to meet certain established criteria or even to represent the unanimous view of the Assembly.

If these two subsections stand as they are presently worded, then the inference could be that Namibia can never gain independence unless the Constituent Assembly drafts a constitution that is totally acceptable to the Administrator-General. And we know what constitution would be preferred by the Administrator-General. Such a provision flies in the face of resolution 435 (1978) and should be reconsidered.

I have presented some of the reasons that have led the African Group to conclude that the plan for the independence of Namibia is not being faithfully implemented. This finding echoes the general conclusions of the people of Namibia,

(Mr. Gbeho, Ghana)

the churches, trade unions and many impartial international observers. For instance, a United States-based commission on independence for Namibia, which is jointly chaired by Senator Paul Simon, the Democratic Senator of the African Sub-Committee of the Senate Foreign Relations Committee, and Dr. Burke Marshall, professor of law at Yale University and former Assistant Attorney-General for Civil Rights in the United States Department of Justice, was reported by the newspaper Namibian as having concluded after a study tour on 23 June that

"the United Nations supervision and control of South Africa's role in the transitional period had hitherto failed to produce conclusive conditions that are the prerequisite to free and fair elections called for in United Nations Security Council resolution 435".

The international Catholic delegation to Namibia has stated, as reported in its press release dated 28 July 1989 that

"by the time of our visit to Namibia in mid-July, disappointment at UNTAG's role had been translated into distrust. At times when concerned UNTAG personnel worked diligently under the constraining circumstances of the UNTAG-South Africa agreements, this mistrust was misplaced. On other occasions, when UNTAG were being hoodwinked by SWAPOL, were biased in their judgement through lack of communication with the community, or found local complaints not being pursued vigorously at higher level, distrust was more than appropriate".

Members of that Catholic delegation were Robert Dumas, Adviser to the United States Conference, from the United States; Bishop Edward Adams, of South Africa, Sudthoorn; Khotso Kekana, press officer, South Africa Catholic Bishops Conference, South Africa; and Ian Linden, General Secretary of the Catholic Institute for International Relations, of the United Kingdom.

(Mr. Gbeho, Ghana)

The same delegation concluded:

"We listened attentively to Chief Inspector Brune, SWAPOL Liaison Officer, and to the Administrator General as they attempted to justify the use of Koevoet forces in SWAPOL. After collecting detailed information on Koevoet/SWAPOL in a number of areas, it is our conclusion that their justification disguises either a cultivated ignorance of the systematic nature of human rights violations by SWAPOL or a deliberate political intent to keep a militarized counter-insurgency force in operation in violation of resolution 435".

It is a fact that the plan for independence of Namibia is not working well and that the general political atmosphere in Namibia is polluted and discouraging.

The Secretary-General has informed the Council about what his efforts have so far achieved, and we appreciate them enormously. But the question at this stage is not whether Casspirs have been reduced from 380 to 60, nor whether some or all of the machine-guns mounted on them have been removed. The fact is that Koevoet elements are still in brutal and intimidating evidence in Namibia and must be removed. The issue is that the so-called progress registered still does not answer to resolution 435 (1978), which demands full compliance.

We have come to the Security Council to request that action be taken immediately to address the unsatisfactory situation because its continuation will frustrate Namibians, render the implementation of resolution 435 (1978) a sham and hold the United Nations, the Security Council included, to open ridicule. Furthermore there can be no one in the Council who is not aware of the past record of South Africa on Namibia. The Administrator-General's action to obfuscate the implementation of the plan is a deliberate strategy to undermine one of the parties

(Mr. Gbeho, Ghana)

in the elections. In the name of decency and justice, he must not be allowed to succeed.

In the face of this unacceptable and even dangerous situation in Namibia, I am mandated by the African Group to request the Security Council to act urgently to ensure compliance with resolution 435 (1978) and to clear the political atmosphere in the Territory. The Council's actions must preferably follow the following recommendations:

First, to adopt a resolution that will ensure that the Secretary-General, the Special Representative and UNTAG as a whole have the power to supervise and control events, especially the electoral process in Namibia;

Second, to firmly request South Africa and its Administrator-General in Namibia to urgently disband totally and dismantle the command structure of the remaining Koevoet elements in SWAPOL and to end all forms of harassment of Namibians my members of that group; the announced reduction and the intention to confine Koevoet are not terms that match the prerequisites of resolution 435 (1978).

Third, to urgently review all laws and draft proclamations currently obtaining in the Territory, and bearing on the plan for the independence of Namibia with a view to requesting South Africa and the Administrator-General to remove all clauses that discriminate or give unfair advantage to one or other of the parties involved;

Fourth, to request South Africa to withdraw all Casspirs from use by SWAPOL, and that specific concurrence of UNTAG should be required for any deployment of that vehicle.

Fifth, to ensure that sufficient and equal time is given to all political parties on radio and television to educate the electorate and campaign for the elections;

Sixth, to request South Africa and the Administrator-General to remove the recent ban on the use of baptismal records for registration purposes by the Chief

(Mr. Gbeho, Ghana)

Registration Officer, as a response to two or three isolated cases of falsification of documents; in Namibia, as in most developing countries, the ban on this only reliable record will lead to the unjustifiable exclusion of thousands of qualified voters;

(Mr. Gbeho, Ghana)

Seventh, to review the laws pertaining to the actual conduct of elections with a view to offering guidance on ensuring secrecy and the elimination of loopholes that might allow electoral malpractice;

Eighth, to ensure that the present practice of South Africa and its Administrator-General of undermining one of the parties ceases at once; and

Ninth, to consider seriously the need or otherwise of adjusting the cut-off date for the registration of voters in order to give those who have hitherto been affected adversely by present laws and practices the opportunity to rectify their status or condition.

The African Group must confess to being rather weary of the excuse, and the assurance, that South Africa will eventually adhere to the terms of the plan. If the South African authorities have not adhered to the rules since April the likelihood of their doing so voluntarily in the remaining two and a half months before the elections is almost zero. That excuse helps the South African cause more than it ensures the implementation of resolution 435 (1978). To delay further would be to aid South Africa in cheating the system.

We place the difficult and delicate task before the Security Council in the full knowledge that the Council is the ultimate authority on the transition of the Territory of Namibia to independence. We implore members of the Council, therefore, to call on their sterling qualities so as to save the people of Namibia from trickery and treachery, and the United Nations as a whole from inaction and condemnation.

States members of the African Group stand ready to offer all assistance within their power and to work in harmonious and inspired collaboration with the Security Council for the achievement of free and fair elections in Namibia.

The PRESIDENT (interpretation from French): I thank the representative of Ghana for the kind words he addressed to me.

The next speaker is the representative of Egypt, who wishes to make a statement as current Chairman of the Organization of African Unity. I invite him to take a place at the Council table and to make his statement.

Mr. BADAWI (Egypt) (interpretation from Arabic): I am speaking today not only as representative of Egypt but also as Chairman of the Organization of African Unity (OAU).

I take this opportunity, Sir, to express our sincere congratulations to you on your assumption of the presidency of the Security Council, the highest body entrusted with the maintenance of international peace and security. I am certain that thanks to your great ability you will guide the work of the Council effectively. I am well acquainted with your vast experience and political wisdom, and I wish you all success in your tasks. Because of the links of Arab brotherhood between our two countries, Algeria and Egypt, I am particularly proud to see you occupying the presidency of the Security Council.

I wish also to express our gratitude and appreciation to the Ambassador of Yugoslavia, Mr. Dragoslav Pejic, for having guided the work of the Council last month with such wisdom and skill.

Today, the Security Council is discussing a question that goes back to the very inception of the United Nations, one that was considered at the General Assembly's first session. For more than four decades the General Assembly has been adopting numerous resolutions on this subject. Many resolutions have been adopted also by the Security Council and other principal organs of the United Nations.

(Mr. Badawi, Egypt)

The General Assembly's 1966 adoption of its historic resolution 2145 (XXI), which put an end to South Africa's Mandate over the Territory and conferred upon the United Nations direct responsibility for the administration of the Territory until independence, was a vital step forward that was unprecedented in the history of the world Organization.

The unanimous adoption of Security Council resolution 435 (1978) crowned the Organization's efforts to move towards the peaceful settlement of the question of Namibia enabling those who possess legitimate rights to exercise them and contributing to the peace and security of an important region of Africa.

The international community welcomed that resolution and saw in it the single internationally accepted plan to enable the Namibian people to exercise its right to self-determination and independence and to sovereignty over its natural wealth and economic resources.

The Organization of African Unity (OAU) has shared the international community's interest in the independence of Namibia, and it has been on the OAU's agenda since its inception. The OAU believes that the freedom of the African continent will be fully achieved only with the independence of Namibia. Like the rest of the international community, the OAU therefore welcomed the United Nations plan to achieve that objective and actively supported diplomatic efforts to that end, in order to bring about the implementation of the plan.

Although the international community agrees on the need to implement the plan in order to enable the Namibian people to exercise its right to freedom and independence, its practical implementation has met with obstacles. Diplomatic efforts last year gave rise to the hope that we should be able to proclaim the independence of Namibia and to give true effect to the United Nations plan as of 1 April 1989.

(Mr. Badawi, Egypt)

Egypt has supported every effort to lead Namibia to independence and to bring peace and security to southern Africa. Thus, it welcomed the choice of Cairo as venue for the first round of talks on the implementation of Security Council resolution 435 (1978).

(Mr. Badawi, Egypt)

In Egypt we are proud of our participation, which we believe is only natural, given our commitment to the just causes of Africa. Cairo's hosting the talks represented the crowning of our efforts in support of the right of the Namibian people to freedom and dignity, support that goes back to before the South West Africa People's Organization (SWAPO) chose Cairo to open one of its first offices abroad.

The international community, which is moving ever closer to the achievement of its objectives, considers it essential for all parties fully to respect the international plan and implement it in all its aspects, in a spirit of co-operation and good faith. However, the implementation of resolution 435 (1978) is still encountering obstacles, whose perpetuation might jeopardize our undertaking and undermine the chances of peace or might lead to a precarious form of independence, leading to an endless cycle of struggle in and around Namibia that would have disastrous consequences difficult to foresee for the region and indeed for world peace and security.

We in Africa believe that by maintaining the criminal Koevoet elements in the service of the local police South Africa is not only bringing about an escalation of violence and provocation in Namibia but thereby shaking international confidence in the possibility of achieving free and normal elections. We believe that that is also a violation of the spirit and letter of the peace plan.

Africa shares with the Secretary-General and his representative in Namibia and with the whole international community deep concern about the deteriorating situation in Namibia, especially in the northern area, where Koevoet elements are engaging in acts of provocation and aggression - indeed, murder. Africa insists that these elements be demobilized and that their activities be ended.

Those deteriorating security conditions do not permit the holding of free and normal elections - the objective of resolution 435 (1978) - which are designed to

(Mr. Badawi, Egypt)

enable the Namibian people to exercise its right to self-determination and decide its own fate. Accordingly, we ask the Government of South Africa to continue to show a sense of responsibility and reason and to spare the region further trouble and instability, thus enabling the peoples of the region to face the challenges of development and survival.

We also ask the Government of South Africa fully to respect the peace plan and to co-operate sincerely with the Secretary-General's Special Representative in the plan's implementation. For Africa, that is the only approach to enable the Namibian people to exercise its right to self-determination. All of Africa believes that that is the beginning of the right road to peace and security in the region as a whole, in the interests of all concerned.

In expressing the wish to see all the parties concerned displaying a spirit of sincere co-operation with the Secretary-General in the implementation of the independence plan for Namibia and showing themselves equal to this historic responsibility, the international community believes that South Africa must at this stage increase its efforts to demonstrate to the international community that it is seriously committed to peace. Indeed, past experience has, to say the least, seriously undermined confidence in South Africa's good intentions.

Africa invites all the parties concerned to shoulder their responsibilities and to persist in their efforts to convince South Africa and invite it by all possible means to seize this opportunity, which will not come again, to bring peace to the region and to respect the will of the international community by fully carrying out its commitments under the peace plan. It should also enable the plan to progress normally and with certainty in order to enable the Namibian people to determine its fate in complete freedom.

(Mr. Badawi, Egypt)

We venture to hope that the Pretoria Government will respond to this appeal and to the voice of wisdom and show political courage and good faith by taking the necessary measures to restore international confidence in the implementation of the plan for peace and independence for Namibia.

The Organization of African Unity is making ready to receive an independent Namibia into its membership, thus marking the fall of the last bastion of colonialism on the African continent and harnessing Namibia's human resources in the economic and social development of Africa. We hope that we shall not have a long wait.

We in Africa know that the Secretary-General's task in Africa is perilous and thorny. It is also a unique and historic responsibility. We have confidence in his wisdom and experience and we rely on his impartiality, objectivity and ability to bring this vessel to a safe port.

Let me take this opportunity to express Africa's deep appreciation of the Secretary-General's efforts. Africa wishes him full success in carrying out his historic duties and reaffirms its faith in him. We hold in high esteem the sincerity and determination he and those who are helping him have demonstrated in circumstances we all know are extremely difficult and complex.

The PRESIDENT (interpretation from French): I thank the representative of Egypt for his kind words addressed to me.

The next speaker is the representative of Zambia. I invite him to take a place at the Council table and to make his statement.

Mr. ZUZE (Zambia): Let me first respond to the needs of tradition by expressing Zambia's sincere congratulations to you, Sir, on your accession to the presidency of the Security Council for the month of August. You represent a friendly, non-aligned country with which my country, Zambia, enjoys the best of relations. At a personal level, you have remained a symbol of dedication,

(Mr. Zuze, Zambia)

commitment and devotion to duty and to the freedom struggle in Namibia. It is therefore fitting that as we come before this lofty body to seek justice and fair play at this critical period in the implementation of resolution 435 (1978) we do so under the esteemed leadership of a seasoned diplomat and a great son of Africa. May your presidency see us through to a successful conclusion of our deliberations.

(Mr. Zuze, Zambia)

May I take the liberty to pay a deserved tribute to another dear colleague of mine, Ambassador Pejic of Yugoslavia, who guided the work of the Security Council with great tact and wisdom during the month of July. I also wish to place on record my delegation's appreciation to members of the Security Council for acceding to Zambia's request to participate in this important debate.

During negotiations that culminated in adoption by this Council of resolution 629 (1989) and 632 (1989) we in the African Group and the Movement of Non-Aligned Countries expressed our concerns about South Africa's hidden agenda in Namibia.

We knew then, as we know now, that South Africa would eventually phase itself out of Namibia, but that it intended to maintain its presence by other means, for it is against human nature for South Africa to legislate itself out of existence or to preside over its liquidation.

It was also foreseeable at that time that South Africa would strive to discredit the South West Africa People's Organization (SWAPO) militarily and politically. The events of 1 April and the subsequent intimidation and killing of SWAPO supporters in northern Namibia by Koevoet must therefore be seen as South Africa's efforts to prevent SWAPO's electoral victory and to guarantee its puppet's constitutional role in the evolution of Namibia's independence. That is one way South Africa wishes to maintain its presence in Namibia.

Although we are half-way through the transitional period to Namibia's independence the situation in the country remains precarious. SWAPO's leadership remains exposed to assassinations by Koevoet and others who are afraid of a SWAPO electoral victory. South Africa, which had 11 years of non-implementation of resolution 435 (1978) to prepare for rigging both the electoral process and the electoral results, continues to engage in a propaganda campaign to malign SWAPO, pointing to events prior to and following 1 April as having been caused by bad judgement on the part of SWAPO leadership - disinformation which is aimed at giving

(Mr. Zuze, Zambia)

credibility to a SWAPO defeat. Despite the fact that the United Nations settlement plan calls for the demobilization of the citizen commandos and ethnic forces and the dismantling of their command structure, South Africa has refused to demobilize and to dismantle the command structure of Koevoet and the so-called South West Africa Territorial Force (SWATF).

The issue is not whether Koevoet should be redeployed away from northern Namibia, nor that we should change the scale of arms supplied to Koevoet, nor indeed that Koevoet should be confined to a designated area. It is not whether South Africa should reduce the number of its CASSPIRS. The issue is simply one of compliance with the settlement plan, which demands disbandment of the enlisted forces and the dismantling of their command structures.

As we meet today, Koevoet elements, who have merely been absorbed into the South West Africa police, are wreaking havoc upon the civilian population in Namibia. They are engaged in the intimidation and general harassment of SWAPO supporters, a fact which has been confirmed by the Secretary-General in his last statement to the Security Council, to the effect that

"UNTAG has clearly established that ex-Koevoet elements in SWAPOL" -
as opposed to SWAPO -

"have not adjusted to the new political situation in Namibia and have continued to harass and intimidate the civilian population. They are not suitable for continued employment in the police force under the terms of the United Nations plan."

The present situation in Namibia is unsuitable for conducting free and fair elections. Apart from the hostile activities of Koevoet elements against SWAPO, the South African-controlled media have embarked on anti-SWAPO propaganda, clearly violating the impartiality principle. As we have said before, the impartiality issue binds all concerned parties and must be strictly observed. In order for the

(Mr. Zuze, Zambia)

implementation process to succeed all the parties to the agreement must play the game according to the rules.

Elections in Namibia should be free and fair at every stage throughout the process: they must be free during the counting of votes, they must be free during the registration of voters, they must be free during the campaign, and at every stage the Security Council should blow the whistle at every indication of foul play.

We have not seen much intervention from the Security Council. The Council should demand, for example, the removal of Koevoet from the South West Africa Police (SWAPOL). It should demand that South Africa release all of the Namibian political prisoners - not just some, but all of them - in its gaols. The Security Council should be telling the South Africans that the existence of Koevoet in the South West Africa Police makes the police force in Namibia unsuitable for providing security to SWAPO leadership.

The registration laws and the electoral laws in Namibia are more prone to manipulation. Security Council resolution 435 (1978) nullifies all laws put in place by the illegal régime. For example, treating, which is the idea of organizing parties to which many people are invited and at which raffles are conducted clearly violates the impartiality principle. The payment of salaries to Koevoet and SWATF is a violation of the impartiality principle. Permission for South Africa to speak during the current debate would be a violation of the impartiality principle and therefore against the law.

The law must be specific. The Security Council must be absolutely sure that the legal framework is appropriate. Logistical material for use during campaigning must be protected by law to guarantee free and fair elections. Safeguards must be created against multiple voting. Laws that may permit non-Namibians to participate in the electoral process must be abolished.

(Mr. Zuze, Zambia)

Secrecy is of paramount importance. The Security Council must look into legislation for secrecy, especially given the weakness in the United Nations surveillance.

The problems of intimidation, arrest and detention should be thoroughly examined and courts to deal with them properly set up in order to guarantee free and fair elections. Existing courts cannot be considered suitable because they are creations of South Africa and therefore dubious. Voting controls must be tight to avoid the possibility of rigging. There must be equal access to radio, television and the press. There is also a possibility that farmers and industrialists would prevent equal access to their workers in the farms, mines and industries. The electoral law must prevent this from happening if the elections are to be certified as free and fair.

Separate counts should take place immediately after the voting to make it difficult to switch ballot boxes. After the count the results should be immediately published. Voters should be familiarized with the voting procedures through a well-calculated programme of voter education by the United Nations.

Let me end by briefly going into the recent history of this situation. After the Lancaster Agreement, Lord Soames was determined to keep the process going until the point of no return. He pushed it past the point planned for a coup d'état by General Peter Walls.

That is not the case in Namibia. We do not know, for example, who will convene the constituent assembly after the elections in November. The Administrator-General will have completed his job, whether well done or not, of running the elections. The last South African soldier will either have left or will be in the process of leaving.

(Mr. Zuze, Zambia)

The South West Africa/Namibia Territory Force (SWATF) and Koevoet, whose command structures have not been dismantled, will be standing by for orders to regroup for possible mischief, not excluding a coup d'etat, in the event of an outright electoral victory by SWAPO. Indeed, the proposed draft constituent assembly proclamation must be seen as intended to formalize the coup d'etat by the Administrator-General.

I would have liked to portray to the Council the picture of the end of a long and turbulent march into Namibia. I would have wished to say to the Council that I hear the distant drums of freedom as our dreams and the dreams of the international community are about to be fulfilled. I would have liked to tell the Council about a nation standing on the threshold of birth, knocking on the door to be born. I would have wished to say to the Council that Namibia is about to be born as a sovereign independent nation, no longer under the control of an occupying force. But I still hold the view that there exist no prospects for free and fair elections in Namibia. At the end of the day, South Africa will select a group of people to form the government - but never an election free and fair.

The PRESIDENT (interpretation from French): I thank the representative of Zambia for the kind words he addressed to me.

The last speaker for this morning is the representative of South Africa. I invite him to take a place at the Council table and to make his statement.

Mr. SHEARAR (South Africa): It is a great pity that the Security Council has chosen to convene a formal meeting on the Namibian issue at this critical and delicate stage in the implementation process regarding the independence of that country.

(Mr. Shearar, South Africa)

These Security Council proceedings - and we are already beginning to see evidence of that - will remove that process from the ambit of the quiet and effective diplomatic negotiations within which it has thus far been conducted and place the settlement plan in the realm of public and politically motivated rhetoric which can only serve to harden attitudes, create non-negotiable positions and perhaps jeopardize the successful solution to which South Africa, the Secretary-General, the United Nations Transition Assistance Group (UNTAG) and, we believe, the Council, are fully committed.

Furthermore, this meeting represents a lack of faith in the judgement of the Secretary-General and of his Special Representative that the implementation of resolution 435 (1978) is well on track despite some remaining obstacles.

During his attendance at the summit meeting of the Organization of African Unity (OAU) in Addis Ababa in July 1989, after his visit to Namibia and South Africa, the Secretary-General expressed his optimism about the way the implementation process was developing in the following terms:

"... despite all difficulties, past and present, the implementation of the United Nations plan is on track and Namibia's independence is at hand."

He also said:

"I returned from Namibia much encouraged ... I am confident that, if all sides honour the commitments which they have entered into under the settlement plan and related understandings, and if the parties in Namibia conduct their election campaign in a spirit of democracy and national reconciliation, a free and fair election can take place in early November."

In his most recent report to the Council, presented on 3 August 1989, I understand he also expressed this sentiment.

(Mr. Shearar, South Africa)

As recently as 3 August, the Secretary-General's Special Representative for Namibia stated:

"I am reasonably confident that we are three months away from the holding of free and fair elections in Namibia. The implementation of 435 is well on track."

At a meeting on 9 August, Mr. Ahtisaari again referred to the excellent co-operation he was receiving from South African and Namibian officials in the conduct of the implementation process.

Indeed, if there has been one consistent element throughout these past 18 months of negotiations, it is South Africa's commitment to the settlement plan approved by the Security Council in September 1978 and its determination to overcome all obstacles in the way of its implementation.

If ever there was a time to convene the Council in formal session on "the deteriorating situation in Namibia", it was on 1 April when the leaders of SWAPO ordered their troops across the border in the most blatant and cynical violation of every undertaking it had given the Organization which has for so long cherished it. In so doing, it caused the most serious threat to a process that had been painstakingly built up over many years. Not only that, it placed the Tripartite Agreement of 22 December 1988 in jeopardy.

Although under provocation to draw the obvious conclusion from SWAPO's acts, South Africa demonstrated in the clearest possible fashion its commitment to Namibian independence by closely consulting with the Special Representative before taking any action. In agreement with him and with the Secretary-General, it was decided to redeploy military forces which had already returned to their bases and to reconstitute the counter-insurgency police units which were clearly the only ones capable of dealing with this threat.

(Mr. Shearar, South Africa)

Throughout the subsequent waves of SWAPO Infiltration, South Africa, in concert with the other parties to the Tripartite Agreement, took practical steps to reduce the threat to the implementation process to a minimum and continued with the practical arrangements for its implementation without which it would have been seriously delayed.

Note should also be taken of the constructive and important role played by many of Africa's leaders, in particular President Dos Santos of Angola, and by several other countries, in their efforts to retrieve the situation created by SWAPO. But the Council was seen in Namibia to have failed in its duty.

These events and this failure created substantial and justified concerns among Namibia's population about the true intentions of SWAPO and the United Nations ability to address these concerns.

On 1 April 1989 SWAPO lied to the world. What prevents it from lying again?

Is the Council willing to include in any resolution it might consider a guarantee that SWAPO will not again conduct a military incursion into Namibia? The Secretary-General and his Special Representative have expressed to the South African Government their conviction that SWAPO no longer poses an external military threat. South Africa appeals to the Council to endorse that conviction and to assume publicly its responsibility should such an eventuality occur.

(Mr. Shearar, South Africa)

In the light of these grave and legitimate concerns, it is a tribute to the determination of the South African authorities that the withdrawal of the South African Defence Force units was completed ahead of schedule and that the ethnic forces were disbanded and, despite what is being said here today, their command structures dismantled in accordance with the programme set out in the settlement plan. This action was taken despite constant intelligence reports to the effect that not all the SWAPO infiltrators had returned to Angola or were confined to base north of the 16th parallel under UNTAG monitoring as provided for in the settlement plan.

In the meantime, and despite all these difficulties, the Administrator-General and the Special Representative continued negotiating the other steps required of the former, including the discharge of second-tier authorities, the abrogation of discriminatory legislation which might hinder the holding of free and fair elections, the promulgation of the Amnesty Proclamation and the Proclamation on the Registration of Voters and, in agreement with the independent jurist appointed for the purpose, the release of the few remaining prisoners held in Namibia regarded as falling within the category "political".

At the same time negotiations at the United Nations High Commissioner for Refugees continued, resulting in the return of Namibian expatriates who had registered with the High Commissioner. While the international community had been led by SWAPO to believe that there were some 80,000 such refugees, only about 41,000 have registered, and of these 41,000 some 38,000 have already returned to Namibia. This demonstrates South Africa's faithful commitment to the implementation of resolution 435 (1978) once again.

In contrast to South Africa's release of its prisoners, allegations persist about detainees still held by SWAPO in its camps. In June 1989 SWAPO announced the release of some 200 detainees, who are now said to have returned to Namibia. Of

(Mr. Shearar, South Africa)

these a group of about 133 adults and 21 children reported that there were still many of their compatriots in detention. They also reported the appalling treatment that had been meted out to them. Despite their statements no impartial international investigation has been permitted by SWAPO. The Secretary-General, while attending the Summit Meeting of the OAU in Addis Ababa, expressed his concern about not having received any conclusive evidence on SWAPO detainees.

How then can we believe SWAPO's claim that it has released them all?

Should yet further proof be required of South Africa's commitment to the settlement process and its willingness to co-operate with the Special Representative, there is the fact that 585,844, or 86.4 per cent, of the estimated eligible voters have already registered for the election. Their registration has been completed in terms of resolution 435 (1978) by a dedicated staff under the authority of the Administrator-General to the overall satisfaction of the Special Representative and the officials whom he appointed to monitor this task.

A draft election and a draft proclamation on the Constituent Assembly have been prepared by the Administrator-General and, in order to ensure that they meet with general satisfaction and address any concerns that the Special Representative might have, were published for a period of three weeks for the express purpose of receiving comments and representations from any interested persons or organizations. The final text is being negotiated in the light of the comments and representations received and the negotiations will continue until complete agreement has been reached between the Administrator-General and the Special Representative. I would emphasize that the comments of the Organization of African Unity are amongst those being carefully considered.

The foregoing will demonstrate the total commitment of the Administrator-General and the South African authorities to the implementation of the settlement plan and to the full participation of all eligible Namibians, including those born in the

(Mr. Shearar, South Africa)

country but residing abroad and their children, in the elections to determine their country's future.

In this regard I would refer to the ridiculous assertion by the President of SWAPO on 9 August that as many as 150,000 South Africans are being brought to Namibia to register and vote in the election. Those persons who are resident in South Africa and qualify to register must be allowed to do so if they so wish. To date the number that have registered at the two registration centres on the southern border of Namibia is just on 2,300 with only a month left for registration. These figures speak for themselves.

It was never expected, given its historical background, that this process would be a simple one. It is testimony to the remarkable dedication of both the Administrator-General and the Special Representative that in spite of the events of 1 April 1989 the position has been reached where the Secretary-General was able to advise the Organization of African Unity that he was optimistic that free and fair elections could be held in early November despite certain remaining obstacles to be overcome.

Amongst these obstacles were reports of intimidation by certain elements of the South West African Police Force (SWAPOL), who were former members of the counter-insurgency unit popularly known as Koevoet. Since 1 April, some 436 complaints of intimidation by all sides, including SWAPO, have been received. Of these only 110 were levelled against SWAPOL. All such complaints were investigated and where they are well-founded the perpetrators are brought to trial - also in the case of members of SWAPOL and SWAPO.

The Administrator-General has taken serious note of the concerns expressed to him by the Secretary-General regarding Koevoet and, as noted by the latter, has taken a number of steps to alleviate them. They include the reduction of the number of land-mine resistant vehicles known as CASSPIRS from 400 to 60, excluding

((Mr. Shearar, South Africa))

those released to UNTAG or used for game preservation against poachers. There was also agreement that they should not be deployed at night. They are in fact deployed only in areas where the danger of land mines continues to exist. Other measures to tighten discipline have also been taken.

Last week the Administrator-General was assured by the Special Representative that the great majority of elements of the People's Liberation Army of Namibia (PLAN) had returned to Namibia as civilians; that the Plan's command structure had been dismantled in the sense that some of its commanders had returned to Namibia also as civilians; and that PLAN's weapons had been stored and greased and were kept under lock and key by Angola. The Secretary-General reaffirmed the assurances to the South African Government on 11 August 1989. Angola had also previously assured us that there were virtually no armed PLAN elements in Angola south of the 16th parallel.

Acting on these assurances, and in accordance with his stated position that he would consider the reduction of SWAPOL forces in the north of the Territory as and when the threat posed by PLAN elements north of the border receded, the Administrator-General has now decided to remove from duty and confine to base the 1,200 members representing the remainder of former members of Koevoet who were reintegrated into SWAPOL following the SWAPO incursions of 1 April 1989. They will remain subject to monitoring by UNTAG.

The Administrator-General emphasized, however, that should the situation in Ovamboland or elsewhere deteriorate he would be obliged, in accordance with his responsibilities under the settlement proposal, to consider the taking of any steps necessary to restore law and order.

I must also point out that it is the conviction of my Government that UNTAG has not fully discharged its responsibilities in regard to the monitoring of intimidation, despite repeated appeals by the Administrator-General.

(Mr. Shearar, South Africa)

Paragraph 10 of the Settlement Plan requires the Special Representative to "take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter".

This responsibility is further spelled out in the Secretary-General's report to the Security Council of 29 August 1978 (S/12827), where it is stated in paragraph 29 that

"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 ... 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." (S/12827, para. 29)

In paragraph 31 (c) of the same report, the tasks of the non-police element of the civilian component of UNTAG are further described as

"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".

The South African Government must reiterate its request that these provisions be fully complied with. The situation in the north of the Territory requires UNTAG involvement in checking all acts of intimidation from whatever quarter. This is all the more important now that the former members of Koevoet have been restricted to base.

The Administrator-General has taken steps to reduce the alleged threat posed by the presence of the former counter-insurgency unit. He approaches with equal seriousness his obligations under paragraph 9 of the Settlement Plan to maintain law and order, particularly in the light of the concerns expressed by the

(Mr. Shearar, South Africa)

inhabitants of Namibia over the return of trained PLAN soldiers under the auspices of the High Commissioner for Refugees and the uncertainty regarding those who have not returned or may be south of the 16th parallel or even have infiltrated into northern Namibia.

Despite repeated requests over the past months we have been unable to obtain from the Special Representative any figures relating to the number of PLAN members who have returned to Namibia or the number of those who are still in Angola. Only when we have substantiated figures in this regard will we have satisfactory assurance that SWAPO's incursion of 1 April will not be repeated.

This Council, the Secretary-General and UNTAG are now under an obligation not only to ensure that SWAPO from now on abides both by the letter and the spirit of the obligations laid upon it in terms of resolution 435 (1978) but also to convince the population of Namibia that it is committed thereto and able to implement this commitment.

The PRESIDENT (interpretation from French): There are no further speakers for this meeting. The next meeting of the Security Council to continue consideration of the item on its agenda will take place tomorrow, 17 August, at 10.30 a.m.

The meeting rose at 1.35 p.m.