

NAMIBIA



FORMULA for INDEPENDENCE?
1989



EPISCOPAL CHURCHPEOPLE for a FREE SOUTHERN AFRICA

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NAMIBIA - Formula for Independence?

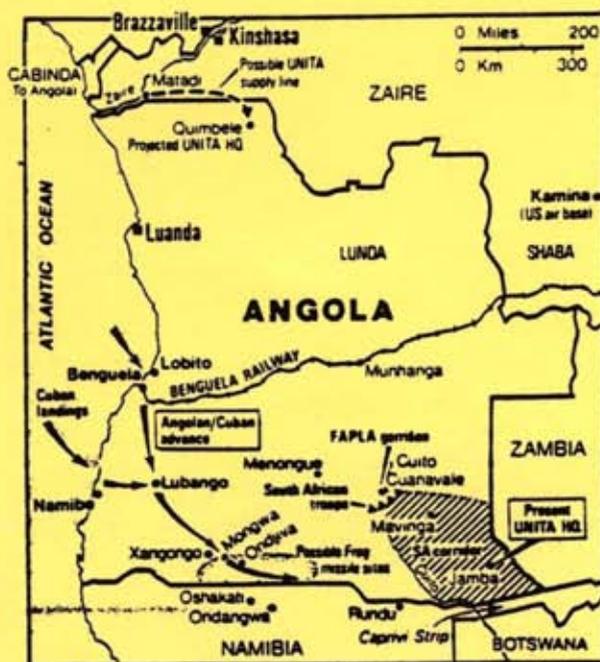
The United Nations Security Council has fixed 1 April 1989 as the date for the start of implementation of its ten and a half year old plan for bringing independence to Namibia - commonly known as Resolution 435.

Resolution 435 has become implanted in the public's mind as a formula which assures that the long suffering Namibian people will gain their freedom after more than a century of oppressive colonial rule. Few know the details of the UN plan and what the world body faces in dealing with the deeply rooted South African occupation apparatus. Never forget that Pretoria remains in charge of Namibia and will conduct the elections while the United Nations Transition Assistance Group tries to ensure that the latter are 'free and fair'.

Following is an analysis of 435 issued by the Lawyers Committee for Civil Rights Under Law of Washington. It is expertly done and must be closely read by those who have a care for Namibia, all southern Africa and Pretoria's role in the region.

As of this writing the five permanent members of the Security Council - the United States, the Soviet Union, Britain, France and China - each armed with veto power over any action by the Council, refuse to support an enabling resolution authorizing the full UNTAG force called for in 435. They argue 'cost cutting'. The Non-Aligned nations are resisting. They know freedom is not achieved at cut-rate prices.

The Council of Churches in Namibia have warned urgently of other dangers to implementation, supplementing the shortcomings in 435. Pretoria is hard at work subverting the chances of Namibian independence. Its adherents are caching arms. Its local South West Africa Territory Force is drafting more young Namibians. The 3,000 members of the Koevoet terror unit have been incorporated into the South West Africa Police. Police and army personnel are already campaigning. Members of the Angolan group UNITA are crossing the wide-open border in northeast Namibia to be given Namibian identities. That porous boundary permits continued South African support to UNITA, imperiling peaceful settlements in both Angola and Namibia.





LAWYERS' COMMITTEE
FOR CIVIL RIGHTS UNDER LAW

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Security Council Resolution 435

I. What Is Resolution 435?

"Resolution 435" is a shorthand expression for the formula adopted by the United Nations Security Council in September 1978 to end South Africa's illegal occupation* of Namibia and bring about the independence of Namibia.

In fact, the formula is not spelled out in resolution 435. Instead, paragraph 1 of the resolution simply "approves" -- i.e., in effect incorporates by reference--one principal and two subsidiary documents that, read together, constitute the plan. The resolution then memorializes the acceptance of that formula or plan by both Pretoria and SWAPO (South West Africa People's Organization).

The principal document is the "Proposal for a settlement of the Namibian situation" (UN doc. S/12636) submitted on April 10, 1978 to the Security Council by a group of western states (US, UK, France, West Germany, and Canada) subsequently referred to as the "Contact Group." The subsidiary documents are the Report of the Secretary-General (S/12827, 29 Aug. 1978) on implementation of the Contact Group proposal and an Explanatory Statement by the Secretary-General (S/12869, 28 Sept. 1978).

References to "resolution 435" are in general references to the Contact Group proposal, S/12636.

II. Resolution 385: Forerunner Of Resolution 435

In 1976 the Security Council unanimously adopted resolution 385, which stated a formula for bringing Namibia to independence. It required Pretoria to immediately withdraw from the Territory, transferring power to the UN. The latter would thereafter hold a territory-wide election in Namibia to select delegates to draft a constitution for an independent Namibia. The resolution implied that sanctions would be imposed if South Africa did not accept its terms.

*/ After World War I the League of Nations assigned Namibia, then German South West Africa, to South Africa as a mandated territory. In 1966 the United Nations General Assembly revoked the mandate because of Pretoria's gross maladministration of the Territory in violation of its contractual obligations. The International Court of Justice has affirmed that South Africa has occupied Namibia illegally ever since.

But when South Africa balked and a sanctions resolution was introduced in the Security Council, the US, UK, and France jointly vetoed it. The Contact Group then began negotiations with Pretoria outside of the framework of the Security Council. They watered down the provisions of resolution 385 until they developed a proposal (apparently) acceptable to South Africa, which Namibians -- and therefore the international community -- could also be persuaded to accept.

III. Basic Premises Of Resolution 435

The key to resolution 435 is "free elections for the whole of Namibia as one political entity with an appropriate United Nations role...."

The purpose of the election is to "elect representatives to a Namibian Constituent Assembly which will draw up and adopt the constitution for an independent and sovereign Namibia."

The timetable projects a seven month period from arrival of UN personnel in Namibia through establishment of the Constituent Assembly. The United Nations Secretary-General's Report estimates that installation of a Namibian government should take place about one year after implementation begins.

Comment: Resolution 435 skips from certification of the election to installation of the government of Namibia. It does not indicate how the constitution "adopted" by the Constituent Assembly is to be ratified, by popular referendum or otherwise. Nor does it explain how the officials of the first Namibian government (to which power is to be transferred) are to be chosen, by election or otherwise.

Can resolution 435, as it is worded, be read to authorize UN monitoring of additional elections without further action by the Security Council? What would happen if Namibians should vote against ratifying the draft constitution?

The Secretary-General's projection of roughly five months for drafting a constitution may or may not be adequate. It certainly does not provide time to hold additional elections, to ratify the constitution and then to elect government officials.

IV. Walvis Bay

Walvis Bay is Namibia's only deep-water port. It handles nearly all of its sea-borne trade, providing the only alternative to the overland railway through South Africa. It is essential to the economy of Namibia.

In 1977, the South African Government attempted unilaterally to sever Walvis Bay from Namibia as a whole and to incorporate the Bay into its metropolitan territory, after 60 years of administering the Bay and the rest of Namibia as an integrated unit.

Comment: Resolution 435 did not define "the whole of Namibia," and Pretoria claims that Walvis Bay is excluded from the independence process. It has indicated that it would negotiate on the subject with a "friendly" Namibian government after independence.

In view of the military, political, and economic threat that South African control of Namibia's only deep water port represents to the nascent Namibian state, the Non-Aligned States have recently urged that the Security Council bring about the return of Walvis Bay before independence. (In 1978 Security Council resolution 432 called for the "re-integration of Walvis Bay into Namibia," but did not insist on that step as part of the independence process.)

V. United Nations Special Representative

Resolution 435 calls for the UN Secretary-General to appoint a United Nations Special Representative for Namibia (SR), who will report back to the Secretary-General who in turn reports to the Security Council.

The primary function of the SR shall be to assure a free and fair election.

The SR is to work with the South African representative, the Administrator-General (A-G), to "ensure the orderly transition to independence."

Comment: Resolution 435 gives the SR few powers, however, to carry out this function. For example, the resolution provides no mechanism for resolving differences between the SR and the A-G.

A SR, Martti Ahtisaari of Finland, was appointed under special authorization of Security Council resolution 431 (1978) and went to Namibia in August 1978 to investigate how the election could be carried out in accordance with resolution 435. The Secretary-General's Report on implementation (S/12827) was based on the SR's report to him. Martti Ahtisaari has also recently visited South Africa on a similar mission.

VI. UNTAG

The SR shall be assisted by a United Nations Transition Assistance Group (UNTAG), which shall have both a civilian and a military component.

The civilian component shall consist of (i) approximately 360 experienced civil police officers, (ii) administrative, legal and election officials, numbering about 300 at first and increasing to 1,000, and (iii) a support staff of some 200.

The military component shall consist of 5,000 troops, i.e., seven infantry battalions, plus 200 monitors and 2,300 support staff. Field command shall be exercised by a Commander appointed by the S-G with the consent of the Security Council; he will report to the S-G through the SR.

The military component will ensure that all parties observe resolution 435, and it will "assist and support the civilian component of UNTAG in the discharge of its tasks." It will carry "weapons of a defensive character" only and will use force only in self-defense, which is defined to include "resistance to attempts to prevent it from discharging its duties..."

Comments: Although resolution 435 provides that the military component shall aid UNTAG civilians in carrying out their duties, it is not clear how they could help in most situations, unless the UNTAG police force required assistance.

VII. Cease-Fire

Resolution 435 calls for a "cessation of hostile acts... by all parties." To implement and follow up the cease-fire the resolution calls for a series of steps to be carried out:

(i) restriction of South African and SWAPO armed forces to base.

(ii) a phased withdrawal from Namibia within 12 weeks of all but 1,500 South African troops; restriction of the 1,500 to Grootfontein or Oshivello base, or both; and their withdrawal from Namibia after certification of the election.

(iii) "demobilization of the citizen forces, commandos, and ethnics forces and the dismantling of their command structures"; placement of their arms, military equipment, and ammunition in drill halls under UN supervision and prevention of drilling or constituting an organized force except under order of the A-G with concurrence of the SR.

(iv) determination by the A-G, with concurrence of the SR, of circumstances in which military personnel performing civilian functions may continue those functions.

(v) provision for SWAPO military outside the Territory to return peacefully through designated entry points.

Comment: In 1978 the warring parties were South Africa and SWAPO, which had been fighting since 1966 to end Pretoria's illegal occupation of Namibia. Now there will be a parallel cease-fire agreement that will cover hostilities taking place in Angola. The parties to that agreement will be Angola, Cuba and South Africa, but not UNITA.

SWAPO is concerned about a current South African military build-up in Walvis Bay. A press report posits that if Pretoria should "withdraw" its troops to Walvis Bay instead of beyond the internationally recognized borders of Namibia (south of the Orange River), SWAPO would treat such action as a "material breach" of resolution 435.

In addition when resolution 435 was adopted, many units now operating under the effective control of, or in cooperation with, the South African Defence Force (SADF) did not exist: e.g., the South West Africa Territorial Force (SWATF) and the Counterintelligence Unit (COIN; popularly known as "Koevoet" ("Crowbar")), which is believed responsible for a disproportionate number of atrocities. Both are under the nominal control of the Namibian officials installed in Windhoek by South Africa. Technically, therefore, the provisions under "Cease-fire" may not apply to these units, although failure to disarm and demobilize them would jeopardize the electoral process.

There may also be a question as to the applicability of the "Cease-fire" provisions to UNITA members and other foreigners serving alongside the SADF in Namibia.

VIII. Administration Of Namibia Under Resolution 435

Resolution 385 required South Africa's immediate withdrawal from Namibia, to be replaced by an interim UN administration until independence. Resolution 435, by contrast, clearly implies that the A-G and his civilian officials, including police, shall continue to govern Namibia during the transition although "this working arrangement shall in no way constitute recognition of the legality of the South African presence in and administration of Namibia."

Comment: South African-backed officials in Namibia argued in 1978 that the AG's power to govern Namibia until independence was absolute, at least insofar as his actions would not jeopardize the electoral process under resolution 435. Following from this, it was argued that he could, inter alia, exercise his control of immigration to bar entry of foreign press to cover the election.

IX. Electoral Process: General

By necessary inference resolution 435 provides, and it is the general understanding, that the A-G shall run the election: determine the electoral system; register voters; print the ballot papers; count the votes, etc. UNTAG will only monitor the electoral process: i.e., attempt to ensure that it is "free and fair."

South Africa has informed the Security Council that it has selected a "proportional representation," rather than a constituency-based, electoral system. But, "proportional representation" is a generic term; there are many variations. In 1978, Pretoria organized its own elections in Namibia to set up a puppet government that it hoped would circumvent the drive for UN supervised elections. In those elections, Pretoria used one form of proportional representation and may or may not employ the same one again.

Before any measure affecting the political process is taken by any government official or entity, the SR is required to "satisfy himself" as to the "fairness and appropriateness" of the measure. It appears that he may hold up the conduct of the electoral process, the election itself, or the certification of election results if he is not satisfied.

Comment: The "power" of the SR to hold up action is more illusory than real. Delay will be seen as offering Pretoria one more opportunity to denounce (or threaten to denounce) the entire process and to refuse to continue. It will also add to the total cost of the process by lengthening the time needed to complete it. Consequently, there will be pressure from many sides not to use this sanction-- and there is no guarantee that, if used, it will compel a change that is "satisfactory."

In addition to the pressure not to delay the process, the Secretary-General and SR will also be under extreme South African pressure-- as they have been ever since 1978-- to demonstrate the UN's (and their personal) "impartiality" in view of alleged UN favoritism toward SWAPO. (There has been no comment on South Africa's interest in the outcome of the electoral process although it, not the UN, will run the election. However, during November there were press reports that members of the South African Defense Force were involved in intimidatory electioneering in northern Namibia.) What easier way to "prove" impartiality than to lean over backwards to accept South African good faith even if its conduct is less than "satisfactory"? (The Secretary General's report on implementation anticipates complete impartiality on the part of the A-G and his officials.)

The SR is empowered to make proposals as to "any aspect of the political process."

Comment: Under resolution 385 the UN, as administering authority, would have run the election. In negotiating the terms of resolution 385, UN "supervision and control" was insisted on to ensure that the UN would not be limited to a mere monitoring function.

Resolution 435 asserts that the election will be under the "supervision and control of the United Nations in that" the SR is required to be "satisfied" before such measures may be taken. [Emphasis added.]

The SR appears to have no power to have his proposals considered or adopted, however.

X. Electoral Process: Specific Provisions

All adult Namibians shall be eligible to vote, campaign, and stand for office.

Comment: When Pretoria ran the election in Namibia in 1978, it denied the Franchise to persons born in Walvis Bay on the ground that they were not Namibian "citizens." (In fact, all persons born in Namibia are South African citizens under South African law.) This decision ignored Security Council resolution 432 (1978), which held that Walvis Bay is an integral part of Namibia even if, in 1977, South Africa had (wrongfully) taken physical control of the area. In order to carry out his mandate, the SR will have to ensure the franchise for Walvis Bay-born Namibians and also prepare answers for some other questions that are sure to arise, e.g., as to the eligibility of residents of Namibia not born in Namibia, Namibians who have voluntarily obtained other citizenship, and foreign-born spouses of Namibians.

Ballots shall be secret. Special provisions shall be made for those who cannot read or write.

Comment: In the 1978 election run by South Africa, ballots could be traced, by the numbering system, to individual voters.

In evaluating "special provisions" for those who cannot read or write the SR will have to ensure that no undue influence is exercised in the guise of "assistance."

"Full freedom of speech, assembly, movement and press shall be guaranteed."

Comment: Resolution 435 does not specify how these rights shall be guaranteed, who is responsible, and what penalties or preventive measures may be invoked to make the guarantees effective. Can intervention by the military component of UNTAG help? How?

The SR shall "take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter."

Comment: This provision falls short of requiring the SR to prevent intimidation or interference. If he takes steps, but they do not succeed, how should he proceed, particularly if non-governmental action is involved, e.g., employees fired or tribal members denied rights to farms on account of their political affiliations? The SR's power to suspend the electoral process appears to apply in the case of official acts, not private conduct.

The following requirements must be fulfilled "to the satisfaction" of the SR in order to ensure "free and fair elections":

(i) all discriminatory or repressive laws and measures that might "abridge or inhibit that objective" shall be repealed.

Comment: Resolution 385 required the South African administration, pending its transfer of power to the UN, to repeal all discriminatory and repressive laws and practices regardless of their relation to the electoral process, as well as to apply the Universal Declaration of Human Rights to Namibia. By reason of its failure to make any reference to the Declaration, Resolution 435 may put UNTAG members in the unenviable position of being unable to act against non-electoral contraventions of the Declaration even though most experts believe that the Declaration should apply automatically to Namibia as an international territory.

Resolution 385 also specifically required the immediate dismantling of Namibian "bantustans" (i.e., ethnic "homelands" or native reserves). In 1978 it was accepted that omission of this specific requirement from resolution 435 had the effect of permitting the continued existence of "bantustans" until the new Namibian government should act on them.

(ii) all Namibian political prisoners and detainees held by South African authorities must be released before the electoral process starts. Disputes as to who is covered "shall be resolved to the satisfaction of the Special Representative acting on the independent advice of a jurist of international standing".

Comment: This awkwardly worded provision appears to mean that the SR is bound by the advice given him by the jurist. In 1978 the Secretary-General selected a jurist for the position, but it is not clear whether his nomination has since lapsed.

The wording of this provision, read with the preceding one, suggests that resolution 435 does not require an end to detention without trial for "ordinary" crimes as long as "political" prisoners are freed.

(iii) the peaceful and safe return of all Namibians detained outside Namibia shall be ensured.

(iv) Namibians remaining outside the Territory shall be assured "a free and voluntary choice whether to return."

Comment: the question arises again under this section as to the SR's remedies if he is not "satisfied" as to the fulfillment of any of the listed requirements.

XI. Registration

Registration of voters is mentioned only in passing in the text of resolution 435. The Annex to the resolution, which sets out the timetable for all steps from cease-fire to independence, completely omits registration although it is the most time-consuming, and probably the most crucial, step in the entire electoral process.

Comment: In 1978, when it was believed that resolution 435 would be carried out within a year, the SR was put under great pressure to use (with minor changes) the registration rolls then being prepared under a South African law despite their incredible inadequacies: e.g., the rolls were not alphabetized; they were not nation-wide, but by home district, regardless of actual residence; they excluded Namibians born in Walvis Bay; and they were alleged to contain the names of many South Africans and other ineligible (an allegation almost impossible to check due to the failure to alphabetize the rolls).

XII. Police Force

"Primary responsibility" for maintaining law and order in Namibia during the transition period shall rest with "existing" police.

Comment: "Existing" police would appear to refer to South African and South West African police in the Territory when the resolution becomes effective. The South Africans may argue that the term technically includes Koevoet, the most hated and feared of all the "security forces" in Namibia, as well as South African "Security Police" (formerly called the "Special Branch").

Normally, the police will be limited to the carrying of small arms.

Comment: It is not clear what constitutes "non-normal" service, who determines when they are called upon for "non-normal service" or what kinds of weapons they could use under such circumstances.

The A-G shall be responsible for the good conduct of the police "to the satisfaction" of the SR. The A-G shall take "the necessary action to ensure their suitability for continued employment...."

Comment: Resolution 435 does not provide any remedy for the SR if he is not "satisfied" as to the good conduct of the police. The second sentence suggests that the A-G should dismiss "unsuitable" police, and it may be inferred that police officers should be deemed "unsuitable" if their conduct is not to the "satisfaction" of the SR. But the SR is given no effective means-- delaying the electoral process? calling on UNTAG's military component?-- to compel action by the A-G.

The SR may make arrangements for UN personnel to accompany Namibian police on duty.

XIII. Constituent Assembly

Immediately after certification of the election results the Constituent Assembly will meet to "draw up and adopt" a constitution for an independent Namibia. The constitution will determine the organization and powers of all levels of government.

Comment: It was argued in 1978 that since resolution 435 allowed Pretoria to continue to administer Namibia during the transition to independence, it was also entitled to run the Constituent Assembly being held in Namibia during that time. Its claims apparently extended beyond setting parliamentary procedure to establishing the agenda and producing the official record. There was some evidence that the Western Powers accepted this assertion.

In 1981, after the collapse of the Contact Group, the US presented SWAPO, on a take-it-or-leave-it basis, with a draft "bill of rights," which had to be agreed to if resolution 435 was ever to be implemented. That document required, *inter alia*, that the constitution be adopted by a two-thirds (rather than a simple) majority of the Constituent Assembly. Presumably this ultimatum pre-empted any rule South Africa might propose on the subject (assuming that it was not worked out in coordination with Pretoria).

It is not clear whether the "bill of rights" presented to SWAPO by the US in 1981 is still considered "binding," nor is it clear how any agreement by SWAPO could bind the elected members of the Constituent Assembly.

XIV. Subsequent Changes In Resolution 435?

When, less than half a year after it "accepted" resolution 435, South Africa refused to implement it, the Contact Group spent two futile years trying to appease Pretoria by further concessions. These concessions involved agreements or "understandings" elaborating resolution 435, altering certain of its provisions, "interpreting" others, etc.

Some were made known in reports of the Secretary-General to the Security Council (e.g., announcing agreement by South Africa as to the states whose troops it would accept as members of the UNTAG military contingent); others (e.g., creation of a demilitarized zone on the Angolan border) in reports circulated either officially or unofficially by the Contact Group. None of these reports was, however, adopted by the Security Council.

In addition, there is good reason to believe that there are other unreported understandings and agreements between the Contact Group and Pretoria. It appears that SWAPO may have been informed, in whole or in part, about some. However, neither the Security Council nor SWAPO has a way of knowing what information has been withheld.

Comment: The legal force of these agreements and understandings is unclear. A distinct and more relevant question is whether they may be treated as binding by the SR and the A-G in implementing resolution 435.

If they are binding, it is not clear whether all the known understandings and agreements still remain in effect, or whether some-- and if so, which ones-- have become obsolete or inoperable. Nor is it clear that the various agreements and understandings, which were negotiated at various times and for differing purposes, are consistent with each other; nor how they are to be interpreted if they are not consistent.

The validity of unreported understandings and agreements is highly dubious. How can they be adopted as part of a Security Council resolution if their existence and contents are unknown? How can their contents be proved? Their very existence undercuts the concept of Namibia as an international responsibility under a functioning system of international law and justice.

FROM: NAMIBIA COMMUNICATIONS CENTRE, LONDON TLX 94070500 NAMI G
TELEX FROM WINDHOEK, NAMIBIA, ROUTED VIA NAMIBIA COMMUNICATIONS
DATE: 16TH JANUARY 1989 CENTRE, LONDON

TO: UN SECRETARY GENERAL AND MEMBERS OF THE SECURITY COUNCIL
FROM: THE EXECUTIVE COMMITTEE OF THE COUNCIL OF CHURCHES IN
NAMIBIA (CCN) REPRESENTING OVER 900,000 NAMIBIAN CHRISTIANS
RETAIN UNTAG GROUP AT 7,500

We, the leaders of the Namibian churches, make a desperate and urgent plea to the members of the United Nations Security Council to retain the size of the United Nations Transitional Assistance Group at 7,500 and not to reduce it in any way.

Our plea is made desperate by our conviction that the independence process in Namibia will be seriously jeopardised if the UNTAG force is reduced.

Our conviction is based on our awareness of what is now happening in Namibia. We have strong reasons to believe that:

1. Arms are being cached at strategic places in Namibia by forces unfriendly to Namibian independence.
2. Some people in Namibia are being supplied with arms in order to destabilise the independence forces.
3. Young Namibians are not only being recruited but are being integrated into the present military groupings in Namibia. They are being subjected to anti-Namibian propaganda and training.
4. UNITA members are being issued with Namibian citizenship documents to enable them to vote against SWAPO.
5. The South West African radio and television services and the core government press are continually producing biased propaganda aimed at influencing the cause of elections in Namibia.
6. The South African military build-up is continuing in northern Namibia. Long convoys of army trucks are seen moving north even in Kavango. New police stations are being built in Ovamboland with the South African flag flying higher.
7. Members of Koeovet, the brutal South African counter-insurgency force, are to be integrated into the regular police force.
8. Police and army forces are already campaigning for elections. They call people to meetings, offer to plough their field or provide piped water. This must be urgently and adequately monitored by UNTAG members or the elections will be unfairly influenced.
9. If the UNTAG force is reduced the Cuban withdrawal, already begun in good faith, will be seized by certain parties at any opportunity to bolster UNITA, hurt Angola and allow South Africa to retain its grip on Namibia.
10. The South West African Administrator General's proclamation of white elections on 1st March 1989 will further confuse the independence process.

Thus we are convinced that to reduce the size of the UNTAG force will seriously jeopardise the Namibian independence process. Namibian people will be left at the mercy of the South African forces and the whole of Southern Africa will remain unstable.

In addition, the delay occasioned by the Security Council debate is frustrating the planning and fundraising of well-intentioned people here. The repatriation programme is especially at risk. This delay in itself may weaken the effectiveness of the independence process in Namibia.

We therefore plead with the United Nations Security Council most desperately and urgently that the UNTAG be held at 7,500 and this force be constituted and established in Namibia without delay.

Signed:

THE RT. REV. HENDRIK FREDERIK (President, Council of Churches in Namibia, Bishop of the Evangelical Lutheran Church)

DR. ABISAI SHEJAVALI (General Secretary, CCN)

THE RT. REV. JAMES KAULUMA (Anglican Diocese of Namibia)

THE RT. REV. JAMES PRINZ (Methodist Church)

THE REV. PETER LAMOELA (United Congregational Church)

THE RT. REV. KLEOPAS DUMENI (Evangelical Lutheran Church in Namibia)

THE RT. REV. BONIFATIUS HAUSHIKU (Roman Catholic Church)

THE REV. BARTOLOMEUS KARUAERA (African Methodist Episcopal Church)
end.



COUNCIL OF CHURCHES IN NAMIBIA

Ongongahangano yEengeleka moNamibia
/Awe/haos Kerkhegu dis Namibia/nã
otjirata tjOzongeriki moNamibia
Rat der Kirchen in Namibia
Raad van Kerke in Namibia

P O Box 41
WINDHOEK 9100
Tel: 22620 / 35607
Telex 56-834

Windhoek: January 21, 1989

TO: THE SECRETARY GENERAL OF THE UNITED NATIONS
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FROM: AN EMERGENCY MEETING OF THE EXECUTIVE COMMITTEE OF THE
COUNCIL OF CHURCHES IN NAMIBIA (CCN)

Sir,

Having just received information from New York concerning the present impasse in the Security Council, which poses a threat to the implementation of Resolution 435, we have convened today in Windhoek and wish to make the following statement further to our telex of 16 January 1989:

1. We confirm the contents of our above mentioned telex and wish you to know that we are extremely worried over what we see as a critically urgent situation in the proposed reduction of the UNTAG military component from the original 7,500 to 4,500.
2. Considering that the resolution 435 is a child of the Security Council and has stood for ten solid years, it is to our disappointment, and beyond our understanding that the Security Council (and particularly the 5 permanent members) who knew all along what the costs would be, should now appear to renege on their own agreement. We appeal especially to those countries who have from the beginning been champions of the cause of Namibia in the Security Council to continue in their support and not to desert us in this last and crucial hour.
3. If this matter is merely concerned with finance, we beg that consideration be given to the terribly high price already paid by Namibians in their struggle for freedom and to the inestimable cost that would be paid should one life be lost because there were not enough members of the UNTAG group to monitor and control the already known excesses of those disposed towards the South African system. A cheaply acquired settlement will ultimately prove astronomically costly to this region and consequently to our trading partners. The ultimate choice is between South African colonialism and Namibian freedom.
4. We are deeply concerned at the size and unmonitored activities of the South West African Police (SWAPOL) forces which are known to be surrogates of the South African racist regime. The number of these forces should be known and specified and limited. The threatened reduction of the UNTAG military component from a minimum of 7,500 would allow the SWAPOL forces unbridled control over the election process.
5. We express our gratitude to the Secretary General, the member countries of the non-aligned nations, and the members of the African group for the position they have taken, for their understanding of our situation, and their sympathetic action on behalf of the Namibian people. In particular we express our admiration for General Prem Chand of India, for his witness for and support of the Namibian people's desire for a peaceful settlement with justice and dignity for all.
6. Please do not cut the costs on Namibia's future.
Please do not reduce the UNTAG military component.

UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/RES/435 (1978)
29 September 1978

RESOLUTION 435 (1978)

Adopted by the Security Council at its 2087th meeting,
on 29 September 1978

The Security Council,

Recalling its resolutions 385 (1976) and 431 (1978), and 432 (1978),

Having considered the report submitted by the Secretary-General pursuant to paragraph 2 of resolution 431 (1978) (S/12827) and his explanatory statement made in the Security Council on 29 September 1978 (S/12869),

Taking note of the relevant communications from the Government of South Africa addressed to the Secretary-General,

Taking note also of the letter dated 8 September 1978 from the President of the South West Africa People's Organization (SWAPO) addressed to the Secretary-General (S/12841),

Reaffirming the legal responsibility of the United Nations over Namibia,

1. Approves the report of the Secretary-General (S/12827) for the implementation of the proposal for a settlement of the Namibian situation (S/12636) and his explanatory statement (S/12869);

2. Reiterates that its objective is the withdrawal of South Africa's illegal administration of Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with resolution 385 (1976);

3. Decides to establish under its authority a United Nations Transitional Assistance Group (UNTAG) in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by paragraph 1 of Security Council resolution 431 (1978), namely, to ensure the early independence of Namibia through free and fair elections under the supervision and control of the United Nations;

4. Welcomes SWAPO's preparedness to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from the President of SWAPO dated 8 September 1978 (S/12841);

5. Calls on South Africa forthwith to co-operate with the Secretary-General in the implementation of this resolution;

6. Declares that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of Security Council resolutions 385 (1976), 431 (1978) and this resolution are null and void;

7. Requests the Secretary-General to report to the Security Council no later than 23 October 1978 on the implementation of this resolution.

