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LETTER DATED 10 APRIL 1978 FROM THE REPRESENTATIVES OF CANADA, FRANCE,  
GERMANY, FEDERAL REPUBLIC OF, THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND AND UNITED STATES OF AMERICA ADDRESSED TO THE  
PRESIDENT OF THE SECURITY COUNCIL

On instructions from our Governments we have the honour to transmit to you a  
proposal for the settlement of the Namibian situation and to request that it be  
circulated as a document of the Security Council.

The objective of our proposal is the independence of Namibia in accordance  
with resolution 385 (1976), adopted unanimously by the Security Council on  
30 January 1976. We are continuing to work towards the implementation of the  
proposal.

(Signed) William H. BARTON  
Permanent Representative of Canada  
to the United Nations

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to the United Nations

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Proposal for a settlement of the Namibian situation

I. Introduction

1. Bearing in mind their responsibilities as members of the Security Council of the United Nations, the Governments of Canada, France, the Federal Republic of Germany, the United Kingdom and the United States have consulted with the various parties involved with the Namibian situation with a view to encouraging agreement on the transfer of authority in Namibia to an independent government in accordance with resolution 385 (1976), adopted unanimously by the Security Council on 30 January 1976.

2. To this end, our Governments have drawn up a proposal for the settlement of the Namibian question designed to bring about a transition to independence during 1978 within a framework acceptable to the people of Namibia and thus to the international community. While the proposal addresses itself to all elements of resolution 385 (1976), the key to an internationally acceptable transition to independence is free elections for the whole of Namibia as one political entity with an appropriate United Nations role in accordance with resolution 385 (1976). A resolution will be required in the Security Council requesting the Secretary-General to appoint a United Nations Special Representative whose central task will be to make sure that conditions are established which will allow free and fair elections and an impartial electoral process. The Special Representative will be assisted by a United Nations Transition Assistance Group.

3. The purpose of the electoral process is to elect representatives to a Namibian Constituent Assembly which will draw up and adopt the Constitution for an independent and sovereign Namibia. Authority would then be assumed during 1978 by the Government of Namibia.

4. A more detailed description of the proposal is contained below. Our Governments believe that this proposal provides an effective basis for implementing resolution 385 (1976) while taking adequate account of the interests of all parties involved. In carrying out his responsibilities the Special Representative will work together with the official appointed by South Africa (the Administrator-General) to ensure the orderly transition to independence. This working arrangement shall in no way constitute recognition of the legality of the South African presence in and administration of Namibia

II. The electoral process

5. In accordance with Security Council resolution 385 (1976), free elections will be held, for the whole of Namibia as one political entity, to enable the people of Namibia to freely and fairly determine their own future. The elections will be under the supervision and control of the United Nations in that, as a condition to the conduct of the electoral process, the elections themselves, and the certification of their results, the United Nations Special Representative will have to satisfy himself at each stage as to the fairness and appropriateness of

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all measures affecting the political process at all levels of administration before such measures take effect. Moreover the Special Representative may himself make proposals in regard to any aspect of the political process. He will have at his disposal a substantial civilian section of the United Nations Transition Assistance Group, sufficient to carry out his duties satisfactorily. He will report to the Secretary-General of the United Nations, keeping him informed and making such recommendations as he considers necessary with respect to the discharge of his responsibilities. The Secretary-General, in accordance with the mandate entrusted to him by the Security Council, will keep the Council informed.

6. Elections will be held to select a Constituent Assembly which will adopt a Constitution for an independent Namibia. The Constitution will determine the organization and powers of all levels of government. Every adult Namibian will be eligible, without discrimination or fear of intimidation from any source, to vote, campaign and stand for election to the Constituent Assembly. Voting will be by secret ballot, with provisions made for those who cannot read or write. The date for the beginning of the electoral campaign, the date of elections, the electoral system, the preparation of voters rolls, and other aspects of electoral procedures will be promptly decided upon so as to give all political parties and interested persons, without regard to their political views, a full and fair opportunity to organize and participate in the electoral process. Full freedom of speech, assembly, movement and press shall be guaranteed. The official electoral campaign shall commence only after the United Nations Special Representative has satisfied himself as to the fairness and appropriateness of the electoral procedures. The implementation of the electoral process, including the proper registration of voters and the proper and timely tabulation and publication of voting results will also have to be conducted to the satisfaction of the Special Representative.

7. The following requirements will be fulfilled to the satisfaction of the United Nations Special Representative in order to meet the objective of free and fair elections:

A. Prior to the beginning of the electoral campaign, the Administrator General will repeal all remaining discriminatory or restrictive laws, regulations, or administrative measures which might abridge or inhibit that objective.

B. The Administrator General shall make arrangements for the release, prior to the beginning of the electoral campaign, of all Namibian political prisoners or political detainees held by the South African authorities so that they can participate fully and freely in that process, without risk of arrest, detention, intimidation or imprisonment. Any disputes concerning the release of political prisoners or political detainees shall be resolved to the satisfaction of the Special Representative acting on the independent advice of a jurist of international standing who shall be designated by the Secretary-General to be legal adviser to the Special Representative.

C. All Namibian refugees or Namibians detained or otherwise outside the territory of Namibia will be permitted to return peacefully and participate fully and freely in the electoral process without risk of arrest, detention, intimidation or imprisonment. Suitable entry points will be designated for these purposes.

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D. The Special Representative with the assistance of the United Nations High Commissioner for Refugees and other appropriate international bodies will ensure that Namibians remaining outside of Namibia are given a free and voluntary choice whether to return. Provision will be made to attest to the voluntary nature of decisions made by Namibians who elect not to return to Namibia.

8. A comprehensive cessation of all hostile acts shall be observed by all parties in order to ensure that the electoral process will be free from interference and intimidation. The annex describes provisions for the implementation of the cessation of all hostile acts, military arrangements concerning the United Nations Transition Assistance Group, the withdrawal of South African forces, and arrangements with respect to other organized forces in Namibia, and with respect to the forces of SWAPO. These provisions call for:

A. A cessation of all hostile acts by all parties and the restriction of South African and SWAPO armed forces to base.

B. Thereafter a phased withdrawal from Namibia of all but 1500 South African troops within 12 weeks and prior to the official start of the political campaign. The remaining South African force would be restricted to Grootfontein or Oshivello or both and would be withdrawn after the certification of the election.

C. The demobilization of the citizen forces, commandos, and ethnic forces, and the dismantling of their command structures.

D. Provision will be made for SWAPO personnel outside of the territory to return peacefully to Namibia through designated entry points to participate freely in the political process.

E. A military section of the United Nations Transition Assistance Group to make sure that the provisions of the agreed solution will be observed by all parties. In establishing the military section of UNTAG, the Secretary-General will keep in mind functional and logistical requirements. The Five Governments, as members of the Security Council, will support the Secretary-General's judgement in his discharge of this responsibility. The Secretary-General will, in the normal manner, include in his consultations all those concerned with the implementation of the agreement. The Special Representative will be required to satisfy himself as to the implementation of all these arrangements and will keep the Secretary-General informed of developments in this regard.

9. Primary responsibility for maintaining law and order in Namibia during the transition period shall rest with the existing police forces. The Administrator General to the satisfaction of the United Nations Special Representative shall ensure the good conduct of the police forces and shall take the necessary action to ensure their suitability for continued employment during the transition period. The Special Representative shall make arrangements when appropriate for United Nations personnel to accompany the police forces in the discharge of their duties. The police forces would be limited to the carrying of small arms in the normal performance of their duties.

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10. The United Nations Special Representative will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter.

11. Immediately after the certification of election results, the Constituent Assembly will meet to draw up and adopt a Constitution for an independent Namibia. It will conclude its work as soon as possible so as to permit whatever additional steps may be necessary prior to the installation of an independent Government of Namibia during 1978.

12. Neighbouring countries shall be requested to ensure to the best of their abilities that the provisions of the transitional arrangements, and the outcome of the election, are respected. They shall also be requested to afford the necessary facilities to the United Nations Special Representative and all United Nations personnel to carry out their assigned functions and to facilitate such measures as may be desirable for ensuring tranquillity in the border areas.

ANNEX

<u>Timing</u>	<u>SAG</u>	<u>SWAPO</u>	<u>UN</u>	<u>Other action</u>
(1) At date unspecified:			UNSC passes resolution authorizing SYG to appoint UNSR and requesting him to submit plan for UN involvement. SYG appoints UNSR and dispatches UN contingency planning group to Namibia. SYG begins consultations with potential participants in UNTAG.	
(2) As soon as possible, preferably within one week of Security Council action:			SYG reports back to UNSC. UNSC passes further resolution adopting plan for UN involvement. Provision is made for financing.	
(3) Transitional period formally begins on date of UNSC passage of resolution adopting SYG's plan:	General cessation of hostile acts comes under UN supervision. Restriction to base of all South African forces including ethnic forces.	General cessation of hostile acts comes under UN supervision. Restriction to base.	As soon as possible: UNSR and staff (UNTAG) arrive in Namibia to assume duties. UN military personnel commence monitoring of cessation of hostile acts and commence monitoring of both South African and SWAPO troop restrictions. Begin infiltration prevention and border surveillance. Begin monitoring of police forces. Begin	Release of political prisoners/detainees wherever held begins and is to be completed as soon as possible.

AG = Administrator General; SAG = South African Government; SWAPO = South West Africa People's Organization  
 SYG = Secretary-General of the United Nations; UN = United Nations; UNSR = United Nations Special Representative;  
 UNSEC = United Nations Security Council; UNTAG = United Nations Transition Assistance Group

ANNEX (continued)

<u>Timing</u>	<u>SAG</u>	<u>SWAPO</u>	<u>UN</u>	<u>Other action</u>
(4) Within six weeks:	Restriction to base continues. Force levels reduced to 12,000 men.	Restriction to base continues.	Appropriate action by UN High Commissioner for Refugees outside Namibia to assist in return of exiles. All UN activity continues.	Establishment in Namibia of provisions to facilitate return of exiles. Establishment and publication of general rules for elections.  Completion of repeal of discriminatory laws and restrictive legislation.  Dismantlement of command structures of citizen forces, commandos and ethnic forces, including the withdrawal of all South African soldiers attached to these units.  All arms, military equipment, and ammunition of citizen forces and commandos confined

ANNEX (continued)

<u>Timing</u>	<u>SAG</u>	<u>SWAPO</u>	<u>UN</u>	<u>Other action</u>
(5) Within nine weeks:	Restriction to base continues. Force levels reduced to 8,000 men.	Restriction to base continues. Peaceful repatriation under UN supervision starts for return through designated entry points.	All UN activity continues.	to drill halls under UN supervision. AG to ensure that none of these forces will drill or constitute an organized force during the transitional period except under order of the AG with the concurrence of UNSR. AG with concurrence of UNSR determines whether and under what circumstances those military personnel performing civilian functions will continue those functions.
(6) Within 12 weeks:	Force levels reduced to 1,500 men, restricted to Grootfontein or Oshivello or both. All military installations along northern border would by now either be deactivated or put under civilian control under UN supervision.	Restriction to base continues.	All UN activity continues. Military Section of UNTAG at maximum deployment.	Completion of release of political prisoners/detainees wherever held.

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ANNEX (continued)

<u>Timing</u>	<u>SAG</u>	<u>SWAPO</u>	<u>UN</u>	<u>Other action</u>
(7) Start of thirteenth week:	Facilities which depend on them (e.g., hospitals, power stations) would be protected where necessary by the UN.			Official start of election campaign of about four months' duration.
(8) On date established by AG to satisfaction of UNSR:				Election to Constituent Assembly.
(9) One week after date of certification of election:	Completion of withdrawal.	Closure of all bases.		Convening of Constituent Assembly.
(10) At date unspecified:				Conclusion of Constituent Assembly and whatever additional steps may be necessary prior to installation of new government.
(11) By 31 December 1978 at latest:				Independence.