

- The deliberations: the delayed implementation
of Res 435

Martti Ahtisaari

&

Cedric Thornberry

Programme No. 8
UNTAG Information Service
Airdate Wednesday June 21 1989
DURATION: 5'00"

Opening theme

NARR: The following is presented by the Information Service of UNTAG. UNTAG, is the largest decolonization operation in the history of the United Nations.

Opening theme

The objective of Security Council Resolution 435 essentially is "the transfer of power to the people of Namibia, with the assistance of the United Nations." For this process to be successful, it means that after years of debate between South Africa and the United Nations, their representatives must now work together harmoniously. Martti Ahtisaari, Special Representative:

Cut 1
AHTISAARI

I would emphasize that this is a partnership whether people like it or not - that is what the plan's basic philosophy was - that the Administrator-General, who represents the South African government, and I representing the Secretary-General, we and our staffs have to work together in order to guarantee that this aim will be reached. What we are interested in is and what we have been driving is to have a democratic process, and I think it was well for the democratic process, it was important that the UN should participate in a supervisory and controlling role. And I have to be satisfied at each stage that we are proceeding in that spirit. (43")

NARR: According to the Settlement Plan, the administration of Namibia is to remain under South African control until independence. As the representative of the government of South Africa, the Administrator-General must clear the path for free and fair elections, and UNTAG is here to supervise and control this process. This is the key and central role that the UN is mandated to play, according to 435. However, there are several other matters, unrelated to elections, that may run contrary to the principles of the UN Charter and international law. They will have to be dealt with by the elected government, according to Cedric Thornberry, Director of the Office of the Special Representative. In this sense, he views 435 as a compromise.

Cut 2
THORNBERRY

Resolution 435 represents an agreement by SA, SWAPO by the frontline states and by the western governments, who negotiated the settlement to put a number of these questions on ice for the period of the transition to independence. (cut contd.)

CUT 2 (contd.)
THORNBERRY

What happens instead during that time is that the Administrator-General, appointed by South Africa, remains in charge of the government of the country, but in so far as it relates to the running of elections, which are to be held on a free and fair basis, what the Administrator-General does has to be done with the agreement of the Special Representative. So, it's a curious, ambiguous kind of situation and doesn't really fall very easily under any preconceived series of concepts of government.

NARR: On the question of discriminatory and restrictive legislation, again the United Nations is here to supervise the repeal ONLY of those laws that might hinder the process of free and fair elections. Martti Ahtisaari:

Cut 3
AHTISAARI

People should study carefully what the original plan from April '78 contains. And there it is very clearly stated that we have to repeal all discriminatory and restrictive legislation which infringes on the holding of free and fair elections. So that is the guiding light for all our operations to have free and fair elections. If there are any laws that prevent this, they should be repealed. So therefore, I am sure that there will be a number of laws that will be left for the independent government and Constituent Assembly to take care of. (42")

NARR: Thirty-six discriminatory and restrictive laws were repealed on 8 June 1989 by the Administrator-General. According to Mr. Ahtisaari, this is but the first round of such laws to be discarded, and his staff, together with the Administrator-General's staff, are currently working on a second round.

Closing theme

NARR: That was a presentation by the Information Service of UNTAG. If you have any queries or comments, please write to UNTAG, Radio Programmes, Private Bag 13329, Windhoek. Until next time, this is Lena Yacoumopoulou.

Closing theme