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Pre-implementation Meeting, Mr. Ahtisaari Answers to Questions, Version 1

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Summary:

Answers to several questions, including the matters of returning refugees, demilitarization, and fair elections in Namibia.

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In the course of our meeting yesterday afternoon, certain specific questions were asked of the United Nations. I wish to answer them this afternoon.

Mr. Kirkpatrick asked a series of questions centring on two subjects. First, on what basis is the Constituent Assembly to take its decisions, and second, what would be the principle on which the elections will be held? These are important matters for all Namibians, and I feel sure, Mr. Kirkpatrick will agree that the settlement Proposal contains no specific provision which will enable us to answer his precisely.

Certain things, however, are clear. First, as we emphasized at our meetings yesterday, the settlement Proposal provides that the "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". It goes on to state, inter alia, that the electoral system 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". It also states that the campaign shall commence only after the Special Representative "has satisfied himself as to the fairness and appropriateness of the electoral procedures". Overall, while the Proposal makes it clear that it will be for the Administrator-General to conduct the elections, they will be held under United Nations supervision and control.

Thus, it will be for the Administrator-General to draw up proposals as to the form of the electoral system. It is the Special Representative's duty to satisfy himself as to the fairness and appropriateness of what he has suggested. I mentioned yesterday the importance which I would attach to the process of consultation with all political parties. They would doubtless wish to express their views to me on this, as on other subjects. I do not think that it is possible to take the matter further at this time.

As to the functioning of the Constituent Assembly, the Proposal states that it will meet immediately after the certification of the election results. It will conclude its work as soon as possible. The Proposal does not state how it will take its decisions. Accordingly, various possibilities, some of which were referred to by Mr. Kirkpatrick, are open to it. It will be convened under the law relating to its election. The draft of this law, like the others to which I have referred, will be prepared by the Administrator-General and I, as Special Representative, will need to be satisfied that it is fair and appropriate. As I have said I shall maintain these consultations with the various political parties. Whether the law should contain a simple or weighted majority system for decision-making by the Constituent Assembly, whether it will make provision for referendum in any circumstances, or whether, once elected, the Assembly will decide its own procedure, could be determined only after implementation, following the approach I have described.

I will turn now to the questions put by Mr. Diergaardt. The first related to the statement made by the High Commissioner for Refugees, Mr. Hartling:

Who is going to distinguish refugee from foreigner? And will there be any identification or can anybody claim the right to come back?

As the High Commissioner for Refugees explained, those wishing to return will complete a standard registration form, recording basic biographic details. The countries of asylum know the origin of those to whom they give refuge and attest to this. There will be immigration formalities on arrival. UNHCR sometimes encounters concern on the question of identification in advance of repatriation but problems have rarely arisen in its recent experiences.

His next questions related to the demilitarized zone. Would UNTAG carry out the

demilitarization of the zone? On this, the position is clearly set out in the documents whose details have been under discussion since October 1979. It has been agreed that each Government concerned will be responsible for the demilitarization of its own portion of the zone. Their police forces will remain in the zone and will extend full cooperation with UNTAG. UNTAG will be responsible for monitoring the demilitarized character of the zone. It will conduct regular and frequent patrols by air and land. Should any apparent violation be observed at any point within the zone, UNTAG forces will, after appropriate investigation, take or initiate prompt action to ensure compliance. In Namibia, the appropriate action will be in accordance with the settlement Proposal. In the area of the DMZ in Angola and Zambia, UNTAG will inform the Government concerned which will thereupon ensure compliance with the ceasefire and the demilitarized character of the zone.

The next question referred to any possible attempt to send armed personnel to Namibia after the cease-fire. This would be in breach of the settlement Proposal and action would be taken accordingly.

Mr. Diergaardt's next question asked what would happen if a party sought to stop the electoral campaign by the use of force. This would be an extremely serious violation of the settlement Proposal which, as was noted yesterday, contains a number of provisions on the prevention of any form of intimidation. Primarily, of course, the duty to deal with the matter will rest with the local police, for, as Chief Superintendent Fanning stated yesterday, quoting the agreed settlement Proposal, "Primary responsibility for maintaining law and order in Namibia during the transition period shall rest with the existing police forces".

It would be my duty to satisfy myself that the proper implementation of the electoral process was undisturbed by any such actions coming from any source. Paragraph 10 of the Proposal further provides that the Special Representative "will take steps to guarantee against the possibility of intimidation or interference with the electoral process from whatever quarter". Any attempt, from any quarter, to perpetrate any such gross infringement of the Proposal would, if necessary, lead to a special report to the Security Council for its consideration and urgent action.

A further question related to action which might be taken by UNTAG in the event of any attempt to cause disruption after the certification of the election results. This, too, would be a most blatant breach of the settlement Proposal. All the parties concerned have undertaken to respect the outcome of the elections.

As regards deployment of the military component throughout the whole of the DMZ, the South African Government has already been informed that this would indeed be the case, in terms of its operational functioning. UNTAG would patrol throughout the entire zone, as I have already mentioned, both by ground and air. Various logistical facilities would accordingly be provided by the Angolan and Zambian authorities, as they have already agreed.