

rule in the territory. These negotiations focussed on how to implement UN resolution 385 of 1976, which called for UN supervised elections in Namibia leading to complete independence.

The result was the Settlement Plan of 1978, which outlined a formula for the transition to independence of Namibia. The Settlement Plan, accompanied by a detailed report on how it would be implemented and an explanatory statement on the role of UNTAG, was adopted by the Security Council on 29 August 1978 as resolution 435.

Though both SWAPO and South Africa accepted the UN plan for Namibian independence, it took more than ten years, considerable modification, and a change in political circumstances before the plan was put into action.<sup>7</sup> In broad outline, it allowed South Africa to administer the election process under supervision of a Special Representative of the Secretary-General and UNTAG.

### *UNTAG'S ROLE*

The purpose of UNTAG, which began operation on 1 April 1989, was to create the conditions for the free and fair election of a Constituent Assembly in Namibia. UNTAG had both a military and civilian component. The military was responsible for the surveillance of the Angola-Namibia and South Africa-Namibia border, and for monitoring: the confinement to bases in Angola of SWAPO, the phased withdrawal and confinement to bases of the South Africa Defence Forces (SADF), a ceasefire between SWAPO and SADF, and the conduct of the South African controlled South-West Africa Territorial Forces (SWATF).

The civilian component of UNTAG was charged with overseeing and supervising the voter registration and election process, supporting the UNHCR in the repatriation of refugees in time for them to vote, monitoring the conduct of the South-West Africa Police (SWAPOL), supervising the repeal of all discriminatory laws, ensuring the release of political prisoners and detainees held by South Africa or SWAPO, and, most importantly, certifying that the elections were free and fair.

Not including the administrative component, the civilian aspect of UNTAG consisted of five divisions: i) The Office of the Special Representative; ii) The Civilian Police; iii) The Electoral Division; iv) The Office of the UNHCR;<sup>8</sup> and, v) The International Jurist.

### *THE OFFICE OF THE SPECIAL REPRESENTATIVE*

UN Special Representative (SR) Martii Ahtisaari was in charge of implementing the settlement plan and certifying that the elections in Namibia were "free and fair." Because South Africa, through Administrator-General (AG) Louis Pienaar, continued to administer the territory — and the election — during the transition period, the role of the SR

was limited to a supervisory and advisory capacity. He was, however, responsible for overseeing every step and aspect of the election process and for monitoring the conduct of the AG. The twofold power of the SR stemmed from his authority to suspend the entire process at any stage should he determine that it did not meet with UN standards, and his ultimate responsibility for certifying or nullifying the election result.

The AG was formally committed to cooperating with the SR, but in reality was responsible only to Pretoria for his actions. This arrangement demanded constant and skilful negotiating by the SR. One observer described the week-to-week bargaining this entailed as "mind-boggling." For example, working groups composed of AG and SR staff members met daily to haggle over the details of various proposed laws. When they reached agreement, the proposal was submitted to the AG and SR for their approval. Only after this process was the law promulgated.

Riding herd over the office of the AG was perhaps the most important of the SR's jobs. Nowhere was this more critical and significant than in the modifications made at Ahtisaari's insistence to the AG's original version of both the voter registration law and the electoral law.

When initially promulgated by the AG, these laws were severely criticized as unfair by both independent observers and the SR. Consequently, Ahtisaari negotiated important changes in them. Concerning voter registration, he wrung concessions from the AG that included the presence of UNTAG personnel at registration points, joint investigation of registration irregularities by UNTAG and the office of the AG, and a dual lock system — one controlled by UNTAG, one by the AG — on the vault holding the registration forms.

Changes to the electoral law suggested by the SR included simplifying the process for verifying registered voters, excluding voter registration numbers from ballot envelopes, and counting ballots locally not centrally.

Violence and voter intimidation were reduced following an SR-negotiated "Code of Conduct" agreed by all the political parties. Finally, the SR minimized the influence that the AG sought over the determination and functioning of the Constituent Assembly.

Other duties of the SR included coordination of, and liaison with, all UNTAG departments. His office dealt with all the political parties running for election, the local community and interest groups, and with the various governmental and non-governmental observer missions.

### *CIVILIAN POLICE*

The role of UNTAG civilian police (CIVPOL) was probably the most important and prominent which police have