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FURTHER REPORT OF THE SECRETARY-GENERAL CONCERNING THE IMPLEMENTATION  
OF SECURITY COUNCIL RESOLUTIONS 435 (1978) AND 439 (1978) CONCERNING  
THE QUESTION OF NAMIBIA

1. On 31 March 1980 I reported to the Security Council (S/13862) concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978) on the question of Namibia. In that report I described discussions undertaken by a mission led by Mr. Brian Urquhart, Under-Secretary-General for Special Political Affairs, in southern Africa during February and March. Following detailed technical discussions on the proposed demilitarized zone, I concluded that, in the light of the mission's findings, UNTAG could, with the co-operation and support of all concerned, function and fulfil its obligations satisfactorily on the basis of the arrangements discussed. I also stated that we had come to a point where the necessary political decisions had to be taken to move the matter from the stage of discussion to the stage of implementation.
2. On 12 May 1980 I received a letter from the South African Minister of Foreign Affairs and Information, Mr. R. F. Botha (S/13935). Mr. Botha reiterated that South Africa sought an international settlement of the Namibian question. He stated that South Africa had tested and evaluated the feasibility of the demilitarized zone and, in the context of its effort to make the zone a feasible proposition, wished to receive information on four matters. Having also mentioned certain additional subjects, he concluded by stating that as soon as the issues raised in his letter had been resolved the South African Government would co-operate in implementing Security Council resolution 435 (1978).
3. After consultations, I replied to Mr. Botha's letter on 20 June 1980 (S/14011). In my letter, I dealt fully with the four points which he had raised relating to the demilitarized zone. I stated that in view of the information which I had thus provided upon these questions, which were those remaining to be dealt with after the recent United Nations mission to southern Africa, I hoped that South Africa would now be in a position to co-operate in the implementation of resolution 435 (1978). I also dealt with the additional matters to which he had referred. I reiterated that the principle of impartiality had been, and would be, consistently followed in the implementation of Security Council resolution 435 (1978) and recalled in this connexion my report of 29 August 1978 (S/12827) which stated that "In performing its functions, UNTAG will act with complete impartiality. In order that the proposal may be effectively implemented, it is expected that the Administrator-General and all other officials will exhibit the same impartiality." Finally, I reiterated my belief in the urgency of arriving at

a peaceful solution to a question which had preoccupied the international community for many years, and whose unresolved condition had led to tragic loss of life and destruction in Namibia and throughout the whole region.

4. On 29 August I received a further letter (S/14139) from the South African Minister of Foreign Affairs and Information, Mr. R. F. Botha. This letter, inter alia, contained a number of "assumptions" made by South Africa in regard to the matters described in my letter of 20 June. The assumptions related to certain of the military and technical subjects which I had clarified, including the functioning of selected locations in the demilitarized zone, the return of SWAPO personnel after the elections, the commitments of Angola and Zambia, and the deployment of UNTAG's military component. Mr. Botha then dealt at length with the question of impartiality. In conclusion, he stated that, on the basis of his assumptions, and my confirmation, the South African Government stood ready to discuss with me the composition of UNTAG, the status of forces agreement and the setting in motion of the implementation of resolution 435 (1978).

5. Following extensive consultations, I replied to this letter on 19 September 1980 (S/14184). I stated that, taking all factors of the situation into account, as well as the need to move forward without further delay, it was my belief that we should now proceed with the implementation of the United Nations plan. I proposed to Mr. Botha that I send a team of senior officials to South Africa to discuss with the Government the setting of a time-frame and other modalities for such implementation. I recalled that I had, on many occasions, expressed my deep concern at the cycle of violence resulting from the unresolved nature of the Namibian question. I reiterated that the best way to stop such violence was to establish, as soon as possible, the cease-fire which is the first step in the implementation of Security Council resolution 435 (1978).

6. Mr. Botha replied on 22 September (S/14185) suggesting that the United Nations mission visit South Africa during the period 20 to 27 October 1980. He assumed that at the outset the matters raised in his letter of 29 August would be discussed. I replied on 25 September (S/14202) stating that, while I would have preferred an earlier date, I had noted the reasons for the suggestion of 20 October, and would be arranging for the United Nations team to be in Pretoria on that date.

7. After I had held consultations with the Security Council on 15 October 1980, the United Nations mission departed for South Africa. The mission, led by the Under-Secretary-General for Special Political Affairs, Mr. Brian Urquhart, consisted also of Mr. Abdulrahim Farah, Under-Secretary-General for Special Political Questions, Mr. Martti Ahtisaari, my Special Representative for Namibia, Lieutenant-General D. Prem Chand, Commander-designate of UNTAG's military component, and a group of senior political and military experts from the Secretariat. The mission had discussions with the South African Government from 20 to 25 October in Pretoria.

8. At the opening meeting, Mr. Urquhart first summarized the course of events since the visit of the previous mission to South Africa in March 1980. He

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emphasized that the outstanding matters remaining for discussion, as confirmed in the published records, occupied a very narrow spectrum and that consensus had been reached in regard to virtually all the technical aspects of resolution 435 (1978) and the demilitarized zone. He explained that the mission was precluded from reopening any matters which had previously been agreed. While the mission was willing to discuss the various matters alluded to in Mr. Botha's letter of 29 August, Mr. Urquhart wished from the outset to emphasize the grave concern felt by the United Nations membership as a whole, and by the Secretary-General, in regard to the delays which had affected the implementation of resolution 435 (1978). These delays could additionally complicate the search for a peaceful settlement of the issue, as well as lead to a further escalation of the violence resulting from its unresolved nature. Many of the questions that had been raised by the South African Government relating to implementation could be definitively dealt with only in the context of a firm time-frame for a cease-fire and the emplacement of UNTAG in Namibia. In this connexion, the matters raised by South Africa in its comments upon the impartiality of the United Nations were inextricably linked to the need for an implementation time-frame. Mr. Urquhart moreover recalled that South Africa also had duties which required strict impartiality under the settlement Proposal. In the light of all these considerations Mr. Urquhart emphasized the primary importance of establishing a time-frame.

9. In his opening statement, Dr. Brand Fourie, Director-General for Foreign Affairs, said that South Africa, too, was concerned over the delays in implementing resolution 435 (1978). He did not feel that it would be constructive during the forthcoming discussions, however, to seek to allocate responsibility for such delays. South Africa also saw the need for a time-frame for implementation but believed that this could not be achieved without resolving the remaining issues to which reference had been made in the letter of 29 August. He referred in particular to the question of impartiality and equal treatment of the parties and said that a deep suspicion existed among the Namibian people that the United Nations was not impartial and could not therefore enjoy their confidence in supervising and controlling the free and fair elections to which all parties were committed. In this connexion, the South African Government hoped that the United Nations mission would make time available to see representatives of those political parties who travelled to Pretoria from Windhoek for this purpose. Mr. Urquhart explained that the mission would, as was the practice of the United Nations, do its best to make time available, if requested by any Namibians, to see them during its stay in Pretoria. He then set out the position of the United Nations in regard to the technical aspects of implementation which were the subjects of "assumptions" in paragraphs 3, 4 and 6 of the South African letter of 29 August.

10. On these points, Mr. Fourie stated that South Africa had taken note of the mission's comments and was grateful for the clarifications which had been given. On the question of deployment, he emphasized the importance South Africa attributed to the deployment of UNTAG's military component in the entire demilitarized zone. He said that this issue was closely linked to the question of the creation of trust and confidence, which was, in his view, associated with the question of partiality. It was of paramount importance to overcome this problem if implementation were to be agreed upon.

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11. The United Nations mission pointed out that the establishment of trust and confidence was a subjective and imprecise criterion. If any party sought to use it as a pretext for delay, the implementation of resolution 435 would be seriously undermined. The mission strongly expressed the opinion that the South African viewpoint should not imply the introduction of a general reservation to prior agreements. The mission was assured that no such reservation was contemplated and it reiterated, once again, the need for a time-frame for implementation.

12. Mr. Urquhart then dealt with the question of impartiality in regard to the implementation of resolution 435 (1978). He said that impartiality had two aspects: undertakings which the United Nations may reasonably require of the South African administration so as to ensure the impartial discharge of its responsibilities under the settlement Proposal (S/12636); and those which the United Nations would wish to adopt in order that its impartiality as the supervisor of free and fair elections would be manifest. Mr. Urquhart recalled that UNTAG had been established by the Security Council. The settlement Proposal and resolution 435 (1978) contained full provisions for the holding of free and fair elections under United Nations supervision and control. Resolution 435 (1978) would be the governing resolution for the conduct of the elections and was therefore solidly based on provisions for the fair and equal treatment of all parties. The Secretary-General had given repeated assurances of United Nations impartiality in the conduct of the elections. All participants in the political process would, at the commencement of the transition period and thereafter, be placed on an equal footing by UNTAG, which would be directly responsible for implementation. Upon agreement on implementation, including an early date for cease-fire and emplacement of UNTAG, appropriate measures would need to be taken to support and ensure such an approach by both the United Nations and South Africa.

13. Mr. Fourie stated that the discussions had made it clear that lack of trust was the main obstacle in the way of implementation of resolution 435 (1978). He said that he believed that the internal parties had emphasized that obstacle when they had called on the mission. He repeated that if South Africa were to proceed to implementation a solution to this problem must be found.

14. The mission explained to the South African Government the situation regarding the composition of the UNTAG military component. Mr. Urquhart described the normal processes of consultation and emphasized that final decisions on composition were taken by the Security Council on the basis of proposals by the Secretary-General. The mission also held discussions with the South African Government regarding the draft status of forces agreement and identified the remaining minor matters on which agreement would be sought upon a decision being taken to implement resolution 435 (1978).

15. In his final statement on 24 October Mr. Urquhart reiterated, once again, the pressing need for a South African response to the mission's repeated request for an agreement on the implementation of resolution 435 (1978) including, in particular, an early date for the cease-fire and the emplacement of UNTAG. He referred to the deep concern of the United Nations membership as a whole and of the African States in particular over the protracted delays. On the residual questions, as well as

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on the matter of creating confidence, Mr. Urquhart said that he believed that progress had been achieved during the talks with the South African Government and that no insurmountable obstacles should remain, if the political will to proceed were present.

16. During the concluding phase of meetings with the South African Government, discussion focused upon the question of means to facilitate the implementation of resolution 435 (1978) within a specified time-frame and in a context which would deal with any remaining concerns. In this connexion, views were exchanged on the subject of a possible pre-implementation meeting.

17. At the end of the mission, Mr. Farah and Mr. Ahtisaari travelled to inform the current Chairman of the Organization of African Unity, and the Presidents or Prime Ministers of the front-line States and Nigeria, concerning the discussions in Pretoria, and to brief the President of SWAPO. Consultations also continued with the Government of South Africa which, on 21 November, stated that it gave its assent to the conclusions which are set out in paragraphs 18 to 24 below. While assent was also given by the other parties consulted to the course of action there proposed, concern was expressed that if the time-frame for starting implementation were linked even indirectly to the issue of trust and confidence, there could be the risk of a further and unacceptable delay. In this connexion, I have set out the position taken by my representatives in Pretoria in paragraph 11 above. I am deeply aware of the concern of the international community over the all too-long postponement of a solution to the question of Namibia. I believe, however, that we may have reached a decisive phase in the long and difficult effort to resolve this question. I hope, therefore, that all concerned will now be prepared to move forward boldly and in good faith along the lines now suggested in order to ensure a sequence of events leading to the start of implementation of resolution 435 (1978) in March 1981, and independence by the end of 1981. In the consultations which I have undertaken since the return of the mission with the Governments of the five Western members of the Contact Group they have pledged their support for the course of action proposed and in particular for the time-frame set out below. They have also emphasized that they will continue to use their good offices to this end.

#### Conclusions

18. It is of vital importance that the independence of Namibia should be achieved in 1981, in accordance with Security Council resolution 435 (1978). In order to achieve this aim a date for the cease-fire and a start of implementation should be set in the early part of 1981.

19. One of the main obstacles to progress in the negotiations hitherto has been acute mutual distrust and lack of confidence. The mission was informed by the South African Government that this problem in itself affects the setting of a date for implementation. It was also informed that, if this obstacle can be overcome, the end of 1981 would be a realistic target date for the independence of Namibia.

20. A means of facilitating agreement and of creating the necessary climate of confidence and understanding would be a pre-implementation multiparty meeting in which the parties concerned in the envisaged election would be included. There is general agreement that this meeting should be held under the auspices of the Secretary-General of the United Nations.

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21. There have recently been a number of initiatives and approaches from various quarters for such a meeting based on the United Nations plan, in conformity with Security Council resolution 435 (1978) and other practical proposals. Such a meeting could facilitate the implementation of that resolution by discussing relevant aspects of implementation with the purpose of securing the co-operation of all concerned. In this connexion it will be recalled that, under the settlement Proposal, the task of drawing up and adopting a Constitution is the function of the Constituent Assembly.

22. It would be understood that the proposed meeting would be held in the context of an agreed time-frame, with a view to the parties themselves assisting in resolving difficulties created by distrust and lack of confidence, South Africa having reaffirmed its continuing role as the interlocutor under resolution 435 (1978).

23. In the expectation that the problem of confidence can be overcome by the holding of such a meeting, and subject to a satisfactory arrangement concerning the composition of UNTAG, I would, on the basis of the discussions recently held in Pretoria and after the necessary consultations, propose March 1981 for the commencement of implementation of resolution 435 (1978).

24. Accordingly, the intention would be to hold a pre-implementation meeting from 7 to 14 January 1981 under the auspices and chairmanship of the United Nations. The basis of the meeting would conform to the formula agreed upon during bilateral discussions held earlier this year on the question of "direct talks". Accordingly, South Africa and SWAPO have been contacted concerning the composition of the respective delegations that would participate in the meeting. I have also contacted the front-line States and Nigeria, the OAU and the Contact Group of Five Western States about the sending of observers.

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