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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. At its 2439th to 2444th, and 2446th to 2451st meetings, held between 23 May and 1 June 1983, the Security Council resumed its consideration of the situation in Namibia.

2. At its 2449th meeting on 31 May 1983, the Security Council adopted resolution 532 (1983), the text of which reads as follows:

The Security Council,

Having considered the report of the Secretary-General (S/15776),

Recalling General Assembly resolutions 1514 (XV) of 14 December 1960 and 2145 (XXI) of 27 October 1966,

Recalling and reaffirming its resolutions 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978) and 439 (1978),

Reaffirming the legal responsibility of the United Nations over Namibia and the primary responsibility of the Security Council for ensuring the implementation of its resolutions 385 (1976) and 435 (1978), including the holding of free and fair elections in Namibia under the supervision and control of the United Nations,

Taking note of the results of the International Conference in Support of the Struggle of the Namibian People for Independence, held at UNESCO House in Paris from 25 to 29 April 1983,

Taking note of the protracted and exhaustive consultations which have taken place since the adoption of resolution 435 (1978),

Further noting with regret that those consultations have not yet brought about the implementation of resolution 435 (1978),

1. Condemns South Africa's continued illegal occupation of Namibia in flagrant defiance of resolutions of the General Assembly and decisions of the Security Council of the United Nations;
2. Calls upon South Africa to make a firm commitment as to its readiness to comply with Security Council resolution 435 (1978) for the independence of Namibia;
3. Further calls upon South Africa to co-operate forthwith and fully with the Secretary-General of the United Nations in order to expedite the implementation of resolution 435 (1978) for the early independence of Namibia;
4. Decides to mandate the Secretary-General to undertake consultations with the parties to the proposed cease-fire, with a view to securing the speedy implementation of Security Council resolution 435 (1978);
5. Requests the Secretary-General to report to the Security Council on the results of these consultations as soon as possible and not later than 31 August 1983;
6. Decides to remain actively seized of the matter.

3. The present report is submitted pursuant to paragraph 5 of the above resolution.

4. In the exercise of the mandate entrusted to me, I initiated preliminary discussions with all concerned with a view to establishing the necessary framework for my consultations and reaching an agreement on the outstanding issues to be discussed with the parties to the proposed cease-fire.

5. In my preliminary consultations with senior officials of South Africa on the implementation of resolution 532 (1983), they maintained that the main obstacle to implementation of the United Nations plan was the presence of Cuban troops in Angola, and that as soon as they were withdrawn, the remaining outstanding issues could be addressed and resolved. At the same time, they indicated that I would be welcome to visit South Africa for consultations. I made clear to them that the question of Cuban troop withdrawal from Angola could not be accepted as a precondition for a Namibian settlement. I added that if South Africa was not prepared to discuss the outstanding issues at this stage then there would be little point in visiting South Africa for consultations. I stressed that such a visit could only be justified if it served a useful purpose within the context of Security Council resolution 435 (1978) and resolution 532 (1983).

6. On 10 August I received a letter from the Foreign Minister of South Africa in which he set out the views of his Government concerning its requirements for a peaceful settlement of the question of Namibia. The letter stated that once firm agreement has been reached on the fundamental requirements of Cuban withdrawal, and a commitment had been obtained from the Angolan Government regarding the implementation of such an agreement, the South African Government was of the opinion that the other outstanding issues could be addressed and resolved reasonably quickly within the framework of the understandings that were reached between South Africa and the Contact Group. In this regard he said that South

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Africa would insist on compliance with the commitments which were made during the phase I and phase II negotiations, particularly with regard to impartiality which remained an essential requirement for the implementation of any settlement. Discussions would therefore have to take place concerning the manner in which the principle of impartiality would be applied in practice.

7. At separate meetings in New York, I informed SWAPO, the representative of the Chairman of the Front-Line States, as well as the Western Contact Group that should South Africa continue to insist on addressing outstanding issues only after agreement had been reached on the withdrawal of Cuban troops, it would not be possible to make any further progress on the implementation of Security Council resolutions 435 (1978) and 532 (1983) at this stage. At a further meeting, the Western Contact Group reconfirmed that understandings reached during phase I and phase II of the negotiations in 1982 (see S/15776, paras. 4 to 9), as agreed to in parallel discussions with SWAPO and the Front-Line States, as well as with South Africa, remained in force and were still binding on the parties. Following from this, I reaffirmed to the parties that in the implementation of Security Council resolution 532 (1983) discussions should not be reopened on matters in regard to which agreement and understandings had already been reached, and confirmed as such to the United Nations. In this connection, I drew their attention to the fact that the only remaining outstanding issues which had to be addressed in the context of Security Council resolution 532 (1983) were the choice of the electoral system and some final problems relating to UNTAG and its composition.

8. On 16 August I met with Ambassadors Fourie and von Schirnding of South Africa to discuss the letter of 10 August from the Foreign Minister in the context of Security Council resolution 532 (1983). At that meeting they assured me that South Africa accepts Security Council resolutions 435 (1978) and 532 (1983) as the basis for further discussions, and that South Africa was prepared, without prejudice to its position on other regional issues, to discuss the two remaining outstanding issues relating to the electoral system and the few remaining points pertaining to UNTAG and its composition. The Ambassadors also assured me that it was not the intention of South Africa to reopen discussions on matters regarding which agreement has been reached with the parties, and that South Africa also accepted all understandings and agreements reached with the parties, as valid and binding on the parties to the negotiations, and would accordingly insist on their implementation. It was on the basis of these clarifications that I decided that a visit to Southern Africa might be useful within the context of Security Council resolution 435 (1978) and resolution 532 (1983).

9. On 17 August, I informed the Foreign Minister of South Africa that following an exchange of views with Ambassadors Fourie and von Schirnding on the points made in his letter, and in the light of clarifications given to me by them, it would be possible within the context of Security Council resolutions 435 (1978) and 532 (1983) to pay a short working visit to South Africa from 22 to 25 August to hold further discussions with the Government of South Africa in regard to the implementation of the United Nations plan for Namibia. I also emphasized to the Minister that in the context of our discussions, it was important that the question of Namibia be viewed as a primary issue in its own right, and not as an appendage to other issues. I further informed the Minister that I intended, subsequent to my

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visit to South Africa, to pay a brief familiarization visit to Namibia in regard to my responsibilities and in the context of pertinent Security Council resolutions.

10. I left New York on 20 August accompanied by Mr. Brian Urquhart, Under-Secretary-General for Special Political Affairs; Mr. Abby Farah, Under-Secretary-General for Special Political Questions; and Mr. Martti Ahtisaari, my Special Representative for Namibia. I arrived in South Africa on 22 August, after a brief stop in Cape Verde, which I made at the invitation of President Pereira for discussions with him.

11. In Cape Town, I met with Prime Minister P. W. Botha on 23 August and had extensive discussions with him, both on the question of Namibia and the general situation in the region. This was followed by meetings on 23 and 24 August with Foreign Minister Botha and the Minister of Defence, General M. Malan, together with senior officials of the Government. The Administrator-General of Namibia, Dr. W. van Niekerk, was also present at these meetings. My discussions with the Foreign Minister focused on the two remaining issues mentioned in my last report, namely, the choice of the electoral system and the settlement of some final problems relating to UNTAG and its composition.

12. At the working session, the Foreign Minister restated the South African Government's commitment to seek a settlement to the Namibia question on the basis of Security Council resolution 435 (1978) within the framework of the understandings reached with the United States and the Western Contact Group. He confirmed that the position of the South African Government was that the one major issue still to be resolved was the withdrawal of the Cubans from Angola, on the understanding that they would not be replaced by any other hostile forces. He further stated that firm agreement would have to be reached on the fundamental requirements of Cuban withdrawal, and a commitment would have to be obtained from the Angolan Government regarding the implementation of such an agreement. The other outstanding issues, he stated, should be addressed and resolved within the framework of the understandings reached with the United States and the Western Contact Group.

13. In reply, I stated that the United Nations could not accept the linkage precondition for the implementation of the United Nations plan for Namibia. I made clear that my mandate did not include the question of the withdrawal of Cuban troops from Angola and that the terms of reference for my discussions with his Government were exclusively spelt out in resolutions 435 (1978) and 532 (1983). I urged the Government of South Africa to respond positively on the two remaining outstanding issues.

14. In regard to the electoral system, the Foreign Minister stated that the Western constitutional proposals provided for a choice between the two systems, namely, proportional representation and the constituency (single-member constituency) system, to be made by the Administrator-General after commencement of implementation of Security Council resolution 435 (1978). He indicated that South Africa's choice would now be made by the Administrator-General and communicated to the Special Representative as soon as a date for implementation had been set, which would be earlier than originally envisaged in the proposals. Members of the Security Council will recall that in my last report to the Security Council (S/15776, paragraph 8), I explained the situation in regard to the electoral system as follows:

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"As regards the electoral system to be employed in electing the Constituent Assembly, it was agreed that it would be based either on proportional representation or single-member constituencies. I was also assured that all the parties were agreed that this issue must be settled in accordance with the terms of Security Council resolution 435 (1978) and that the issue must not cause delay in the implementation of that resolution. The Front-Line States and SWAPO emphasized the view that agreement should be secured on the electoral system prior to implementation of Security Council resolution 435 (1978). To this end, the Western Contact Group undertook to continue their consultations with all the parties."

15. In regard to UNTAG, I first took up the composition of its military component. I reviewed the progress made in previous discussions in regard to Governments that had agreed to provide the seven infantry battalions for UNTAG. In so doing, I explained that the final decisions on the composition of UNTAG would be made by the Security Council on the basis of proposals by the Secretary-General. Following the discussion, the Foreign Minister expressed agreement on the proposed composition of UNTAG and stated that as far as South Africa was concerned the matter was resolved.

16. The discussions also resulted in the settlement of outstanding issues regarding the Agreement on the Status of UNTAG. This agreement would provide UNTAG with the necessary immunities and privileges to facilitate its work and to protect its status in the Territory as a United Nations operation.

17. The Foreign Minister also raised again the question of impartiality. In this connection, he assured me that it was not the intention of South Africa to reopen discussion on this matter, regarding which agreement had already been reached, but that in order to avoid future delays it would be useful for South Africa to know how provisions relating thereto would be implemented. I assured him that in the implementation of Security Council resolution 435 (1978) all parties would be treated equally by the United Nations. It followed that South Africa was expected to do the same.

18. Since I completed my talks with South Africa ahead of schedule, I proceeded to Namibia on 24 August on a brief familiarization visit. I visited Ruacana on the northern border of Namibia, where I was shown the hydro-electric power station and its facilities. The journey to Namibia provided me with an opportunity to learn at first-hand some of the present difficulties facing its inhabitants. While in the Territory, I raised these matters and other problems in informal consultations with the Administrator-General, Dr. van Niekerk.

19. Namibia is afflicted by a serious drought situation with dire consequences for the entire population, particularly those in the rural areas. In my contacts and meetings with the people of the Territory, most of them, after expressing their desire for peace and stressing the necessity for an early implementation of the United Nations plan, urged me to alert the international community to their plight and to facilitate the flow of humanitarian assistance. The present cycle of drought in Southern Africa as a whole is having a devastating impact on the national economy and the every-day life of the people of the Territory. In the circumstances the international community might wish to consider what could be done to provide humanitarian assistance to support local efforts in this regard.

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20. Having concluded the first leg of my visit to Southern Africa, I paid a one-day visit to Luanda on 26 August to follow-up discussions I initiated in New York with SWAPO in regard to the implementation of Security Council resolution 532 (1983). I also met with President dos Santos of Angola to discuss the situation in Southern Africa.

21. I met with Mr. Sam Nujoma, President of SWAPO, in Luanda to discuss the question of Namibia in the framework of Security Council resolution 532 (1983). He reiterated to me SWAPO's statement of January 1981 during the Geneva Pre-Implementation Meeting. He stated that SWAPO was ready to sign a cease-fire with South Africa and to further co-operate with the Secretary-General and UNTAG, both military and civilian components, in facilitating the speedy implementation of Security Council resolution 435 (1978) without modification, amendment or extraneous and irrelevant issues of linkage and reciprocity.

22. With regard to the composition of the military component of UNTAG he assured me that SWAPO would support the recommendations which I intended to make to the Security Council with regard to the composition of the seven infantry battalions.

23. On the choice of the electoral system, Mr. Nujoma reaffirmed SWAPO's position that it was prepared in principle to accept either proportional representation or the single-member constituency system, and urged the imperative need for a decision to be made on this matter as soon as possible and for the establishment of a time-frame for implementation.

Conclusions

24. I have described above my efforts to carry out the mandate given to me by the Security Council in resolution 532 (1983), namely, to consult with the parties to the proposed cease-fire with a view to securing the speedy implementation of Security Council resolution 435 (1978). These prolonged and intensive consultations have resulted, as far as UNTAG is concerned, in resolving virtually all the outstanding issues. In fact we have never before been so close to finality on the modalities of implementing resolution 435 (1978).

25. However, the position of South Africa regarding the issue of the withdrawal of Cuban troops from Angola as a precondition for the implementation of resolution 435 (1978) still makes it impossible to launch the United Nations plan. I have repeatedly made it clear that I do not accept this so-called "linkage" and that the question of Cuban troops was not envisaged in Security Council resolution 435 (1978) and is not part of my mandate under resolution 532 (1983). This difficulty can only be dealt with in its own context by those directly concerned, acting within their sovereign rights, and, above all, by a determined effort by all concerned to reduce the tensions and contentious issues and to put an end to conflict in the area as a whole.

26. My visit to the region brought home to me vividly both the human tragedy of the present situation and the necessity for urgent progress towards implementation. The people of Namibia, on whose behalf this long-standing international effort has

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been mounted and maintained, are suffering not only denial of their legitimate aspirations for genuine self-determination and independence, but from the effects of procrastination and the uncertainty of their future. To their already great difficulties have now been added the hardships of a long and serious drought. I have now witnessed at first-hand their impatience and disillusionment.

27. A peaceful solution of the Namibian problem is also the key to a peaceful and co-operative future for all countries of the region. The instability and conflict generated by the failure to resolve this problem has had disastrous results for the neighbouring countries, and especially for Angola. It is in the interest of absolutely no-one to have this situation continue. It is both highly damaging to the peoples and Governments of the area and also a threat to the wider peace. Another complicating factor is the injection of wider political and ideological issues into this already complex and highly-charged situation.

28. I have reported above substantial progress since the Council last met on the Namibia question. However, no-one is more aware than I that we cannot claim real progress until an actual date is fixed for the start of implementation of resolution 435 (1978), and the cease-fire comes into force. I have no doubt that further disastrous consequences will result if we do not reach this stage quickly.

29. The attainment of a peaceful, prosperous, independent and united Namibia would be an achievement of which all members of the international community could be proud. For the sake of the people of Namibia, for the future of this richly-endowed region of the world and in the interest of international peace and co-operation, I appeal to all concerned not to be distracted from this objective by other issues. I urge them, in a renewed spirit of co-operation, to build on the progress made and to make another major effort for the achievement of independence for Namibia through the implementation of resolution 435 (1978) at the earliest possible date. For my part I am determined to continue my endeavours to this end and also to assist the people of Namibia in any way I can.
