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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. The Security Council renewed its consideration of the situation in Namibia at its 2481st to 2486th, 2488th, 2490th and 2492nd meetings, held between 20 and 28 October 1983.

2. At its 2492nd meeting on 28 October 1983, the Security Council adopted resolution 539 (1983), the text of which reads as follows:

"The Security Council,

"Having considered the report of the Secretary-General (S/15943) of 29 August 1983,

"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), 439 (1978) and 532 (1983),

"Gravely concerned at South Africa's continued illegal occupation of Namibia,

"Gravely concerned also at the tension and instability prevailing in southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from continued utilization of Namibia as a springboard for attacks against and destabilization of African States in the region,

"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, in particular, resolutions 385 (1976) and 435 (1978), which call for the holding of free and fair elections in the Territory under the supervision and control of the United Nations,

"Indignant that South Africa's insistence on an irrelevant and extraneous issue of 'linkage' has obstructed the implementation of Security Council resolution 435 (1978),

"1. Condemns South Africa for its 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. Further condemns South Africa for its obstruction of the implementation of Security Council resolution 435 (1978) by insisting on conditions contrary to the provisions of the United Nations plan for the independence of Namibia;

"3. Rejects South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with resolution 435 (1978), other decisions of the Security Council and the resolutions of the General Assembly on Namibia, including General Assembly resolution 1514 (XV) of 14 December 1960;

"4. Declares that the independence of Namibia cannot be held hostage to the resolution of issues that are alien to Security Council resolution 435 (1978);

"5. Reiterates that Security Council resolution 435 (1978), embodying the United Nations plan for the independence of Namibia, is the only basis for a peaceful settlement of the Namibian problems;

"6. Takes note that the consultations undertaken by the Secretary-General pursuant to paragraph 5 of resolution 532 (1983) have confirmed that all the outstanding issues relevant to Security Council resolution 435 (1978) have been resolved;

"7. Affirms that the electoral system to be used for the elections of the Constituent Assembly should be determined prior to the adoption by the Security Council of the enabling resolution for the implementation of the United Nations plan;

"8. Calls upon South Africa to co-operate with the Secretary-General forthwith and to communicate to him its choice of the electoral system in order to facilitate the immediate and unconditional implementation of the United Nations plan embodied in Security Council resolution 435 (1978);

"9. Requests the Secretary-General to report to the Security Council on the implementation of this resolution as soon as possible and not later than 31 December 1983;

"10. Decides to remain actively seized of the matter and to meet as soon as possible following the Secretary-General's report for the purpose of reviewing progress in the implementation of resolution 435 (1978) and, in the event of continued obstruction by South Africa, to consider the adoption of appropriate measures under the Charter of the United Nations."

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3. The present report is submitted pursuant to paragraph 9 of the above resolution.

4. On 29 October 1983, I received a communication from the Government of South Africa (S/16106) in which, inter alia, it was stated:

"The question of the choice to be made between proportional representation and the constituency system is not of great importance, and this aspect should not cause unnecessary problems. What is important, however, is that no settlement plan can be implemented unless a firm agreement is reached on Cuban withdrawal from Angola."

5. In the exercise of the mandate entrusted to me by the Security Council, I held discussions with Ambassadors von Schirnding and Fourie of South Africa in the context of Security Council resolution 539 (1983) and drew their attention, in particular, to paragraphs 7 and 8 of that resolution. In the course of the discussions, I underlined that the Security Council had already rejected South Africa's insistence on linking the independence of Namibia to irrelevant and extraneous issues as incompatible with Security Council resolution 435 (1978) and that Security Council resolution 435 (1978) embodying the United Nations plan for the independence of Namibia, must remain the only basis for a peaceful settlement of the Namibia problem. In that connection, I urged the Government of South Africa to co-operate with the Secretary-General and to communicate to him its choice of the electoral system in order to facilitate the implementation of the United Nations plan.

6. The Ambassadors informed me that the position of South Africa in regard to the implementation of Security Council resolution 435 (1978) had not changed. However, they indicated that, while they were not in a position to make any commitments on the matter, they would undertake to refer the question of South Africa's choice of the electoral system to their Government for consideration.

7. On 22 November 1983, I received a communication from the Foreign Minister of South Africa (S/16219, p. 3) in which he reaffirmed the position of the Government of South Africa in regard to the question of its choice of the electoral system, as reflected in paragraph 14 of the report of the Secretary-General (S/15943) to the Security Council on 29 August 1983. The Minister reiterated that South Africa's choice would be made by the Administrator-General and communicated to the Special Representative as soon as a date for implementation had been set, i.e. earlier than originally envisaged. The Minister further stated that the decision relating to the electoral system was a complex one which would involve the determination of which system would be the most equitable for a territory with a sparse and unevenly distributed population. He also stated that the decision of the Government of South Africa regarding its choice of the electoral system would involve consultations with the leaders of the Territory and a proper assessment of the relative advantages of each system.

8. At subsequent meetings with the Permanent Representative of South Africa to the United Nations, I again asked the Government of South Africa to provide a definitive response to paragraph 8 of Security Council resolution 539 (1983). The

S/16237

English

Page 4

Permanent Representative, however, continued to maintain that his Government was not in a position at that stage to add anything to the communication addressed to me by the Foreign Minister on 22 November 1983 (S/16219, p. 3).

9. In my discussions with the representatives of South Africa, I have made it clear that it is essential to abide by relevant decisions of the Security Council and to co-operate fully in the implementation of Security Council resolution 435 (1978). To this end, I have urged the Government of South Africa to reconsider its position and to communicate to me its choice of the electoral system as a matter of urgency in order to facilitate the implementation of the United Nations plan. Thus far, the Government of South Africa has not given me a definitive response in this regard as called for in paragraph 8 of Security Council resolution 539 (1983). In the circumstances, I very much regret that I am not in a position to report any further progress in my recent discussions with South Africa. I shall not fail to inform the Security Council immediately of any developments in this regard.
