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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 resumed its consideration of the situation in Namibia at its 2583rd to 2590th, and 2592nd to 2595th meetings held between 10 and 19 June 1985.
2. At its 2595th meeting on 19 June 1985, the Security Council adopted resolution 566 (1985), the text of which reads as follows:

The Security Council,

Having considered the reports of the Secretary-General (S/16237 and S/17242),

Having heard the statement by the Acting President of the United Nations Council for Namibia,

Having considered the statement by Dr. Sam Nujoma, President of the South West Africa People's Organization (SWAPO),

Commending the South West Africa People's Organization for its preparedness to co-operate fully with the United Nations Secretary-General and his Special Representative, including its expressed readiness to sign and observe a cease-fire agreement with South Africa, in the implementation of the United Nations Plan for Namibia as embodied in Security Council resolution 435 (1978),

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

Recalling and reaffirming its resolutions 269 (1969), 276 (1970), 301 (1971), 385 (1976), 431 (1978), 432 (1978), 435 (1978), 439 (1978), 532 (1983) and 539 (1983),

Recalling the statement of the President of the Security Council (S/17151) of 3 May 1985, on behalf of the Council, which, inter alia, declared the establishment of the so-called interim government in Namibia to be null and void,

Gravely concerned at the tension and instability created by the hostile policies of the apartheid régime throughout southern Africa and the mounting threat to the security of the region and its wider implications for international peace and security resulting from that régime's continued utilization of Namibia as a springboard for military 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 contain the United Nations Plan for Namibian independence,

Noting that 1985 marks the fortieth anniversary of the founding of the United Nations, as well as the twenty-fifth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and expressing grave concern that the question of Namibia has been with the Organization since its inception and still remains unresolved,

Welcoming the emerging and intensified world-wide campaign of people from all spheres of life against the racist régime of South Africa in a concerted effort to bring about an end to the illegal occupation of Namibia and of apartheid,

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. Reaffirms the legitimacy of the struggle of the Namibian people against the illegal occupation of the racist régime of South Africa and calls upon all States to increase their moral and material assistance to them;

3. Further condemns the racist régime of South Africa for its installation of a so-called interim government in Windhoek and declares that this action, taken even while the Security Council has been in session, constitutes a direct affront to it and a clear defiance of its resolutions, particularly resolutions 435 (1978) and 439 (1978);

4. Declares that action to be illegal and null and void and states that no recognition will be accorded either by the United Nations or any Member State to it or to any representative or organ established in pursuance thereof;

5. Demands that the racist régime of South Africa immediately rescind the aforementioned illegal and unilateral action;

6. 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;

7. Rejects once again 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;

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

9. Reiterates that Security Council resolution 435 (1978), embodying the United Nations Plan for the independence of Namibia, is the only internationally accepted basis for a peaceful settlement of the Namibian problem and demands its immediate and unconditional implementation;

10. Affirms 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, except for the choice of the electoral system;

11. Decides to mandate the Secretary-General to resume immediate contact with South Africa with a view to obtaining its choice of the electoral system to be used for the election, under United Nations supervision and control, for the Constituent Assembly, in terms of resolution 435 (1978), in order to pave the way for the adoption by the Security Council of the enabling resolution for the implementation of the United Nations Independence Plan for Namibia;

12. Demands that South Africa co-operate fully with the Security Council and the Secretary-General in the implementation of the present resolution;

13. Strongly warns South Africa that failure to do so would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the United Nations Charter, including Chapter VII, as additional pressure to ensure South Africa's compliance with the above-mentioned resolutions;

14. Urges Member States of the United Nations that have not done so to consider in the meantime taking appropriate voluntary measures against South Africa, which could include

(a) Stopping of new investments and application of disincentives to this end;

(b) Re-examination of maritime and aerial relations with South Africa;

(c) The prohibition of the sale of krugerrands and all other coins minted in South Africa;

(d) Restrictions in the field of sports and cultural relations;

15. Requests the Secretary-General to report on the implementation of the present resolution not later than the first week of September 1985;

16. Decides to remain seized of the matter and to meet immediately upon receipt of 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 invoke paragraph 13 above.

3. The present report is submitted pursuant to paragraph 15 of that resolution.

4. I transmitted the text of the resolution to the Minister for Foreign Affairs of South Africa on 19 June 1985 drawing the attention of the Government of South Africa to paragraphs 11 and 15 of the resolution.

5. I subsequently transmitted the text of the resolution to States Members of the United Nations referring particularly to paragraph 14 of that resolution.

6. With respect to the question of the choice of the electoral system referred to in paragraph 11 of Security Council resolution 566 (1985), members of the Security Council will recall that in my report to the Security Council of 19 May 1983 (S/15776, para. 8), I outlined the position as follows:

"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."

7. Subsequently as members of the Security Council will recall, following my visit to Cape Town in August 1983, I reported to the Security Council on 29 August 1983 (S/15943, para. 14) on the position of the Government of South Africa concerning its choice of the electoral system as follows:

"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."

8. By paragraph 8 of its resolution 539 (1983) of 20 October 1983, the Security Council called 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). In my report to the Security Council of 29 December 1983 on the implementation of the above resolution (S/16237), I informed the Security Council that the Government of South Africa had reaffirmed to me its position in regard to the electoral system as reflected in paragraph 14 of my report of 29 August 1983 (S/15943), but that it had not provided a definitive response to paragraph 8 of Security Council resolution 539 (1983). In the circumstances, I indicated that I was not in a position to report any further progress in my discussions with South Africa.

9. On 6 June 1985 I reported to the Security Council (S/17242) that "prevailing difficulties have been further compounded and given a new dimension by the recent decision of South Africa to establish an interim government in Namibia". Despite my call to the South African Government "to reconsider carefully the implications of its decision and desist from any action which would contravene the relevant provision of Security Council resolutions 435 (1978) and 439 (1978)", the South African Government went ahead and established the interim government on 17 June 1985. This development raised further serious questions about the real intentions of the South African Government in seeking a solution to the Namibia problem through the implementation of Security Council resolution 435 (1978), which it has accepted.

10. It was against this background that I resumed my consultations with the Permanent Representative of South Africa on the choice of the electoral system as called for in paragraph 11 of Security Council resolution 566 (1985). In my consultations with Ambassador von Schirnding, he again emphasized that there had been no change in the position of his Government on the question of its choice of the electoral system as stated in paragraph 14 of my report of 29 August 1983 (S/15943). In this connection, Ambassador Von Schirnding reaffirmed his Government's position that South Africa's choice of the electoral system would be communicated to the Special Representative as soon as a date for implementation had been set (see para. 7 above). Ambassador von Schirnding also reiterated that the position of the South African Government on the linkage pre-condition remained the same (S/15943, para. 12).

11. In my discussions with Ambassador von Schirnding, 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 continued to maintain its position as indicated earlier and has not given me the definitive response called for in paragraph 11 of Security Council resolution 566 (1985).

Concluding remarks

12. In the circumstances, I must once again report to the Security Council that there has been no progress in my recent discussions with the Government of South Africa concerning the implementation of Security Council resolution 435 (1978). I cannot let this occasion pass without reiterating my appeal to the South African Government to heed the unanimous call of the international community to proceed forthwith with the implementation of that resolution. The continuing delay undermines the credibility of the South African Government at a time when the world is watching with growing concern the increasingly tragic developments occurring in the area.

13. The international community has an inescapable responsibility to make the process of implementing Security Council resolution 435 (1978) move forward. The failure to proceed on Namibia is affecting the reactions of the international community to other grave developments in the region. In my view, this would be the time for the Government of South Africa to display the statesmanship and wisdom that is required in the situation and to provide the opportunity for the people of Namibia to exercise their inalienable right to self-determination and independence in accordance with the relevant decisions of the Security Council. The continuation of the present impasse does not serve the interest of any party.
