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QUESTION OF NAMIBIA

SECURITY COUNCIL
Thirty-fifth year

Letter dated 20 June 1980 from the President of the United
Nations Council for Namibia to the Secretary-General

I have the honour to transmit to you the attached text of the report of the Mission of Consultation of the United Nations Council for Namibia to the Federal Republic of Germany, France and the United Kingdom which visited those countries from 21 April to 1 May 1980.

In conformity with the decision of the Steering Committee taken at its 111th meeting, held on 12 June 1980, I should like to request that the report of the Mission of Consultation be circulated as an official document of the General Assembly, under item 27 of the preliminary list, and of the Security Council.

(Signed) Paul J. F. LUSAKA
President
of the United Nations Council for Namibia

* A/35/50.

ANNEX

Report of the Mission of Consultation of the United Nations
Council for Namibia to the Federal Republic of Germany,
France and the United Kingdom

(21 April to 1 May 1980)

Chairman: Mr. Brajesh C. Mishra (India)

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I. INTRODUCTION

1. By approving the report of the United Nations Council for Namibia a/ in its resolution 34/92 of 12 December 1979, the General Assembly approved the programme of work outlined therein, by which the Council proposed, inter alia, to send a mission of consultation to Western Europe. It was later decided that the Mission would visit the Federal Republic of Germany, France and the United Kingdom.

2. The Mission to the Federal Republic of Germany, France and the United Kingdom was composed of the following members:

Mr. Brajesh C. Mishra (India), Chairman

Mr. Feodor Starčević (Yugoslavia)

Mr. Mkhondo Danwood Lungu (Zambia)

Mr. Herman Nangolo Ithete (South West Africa People's Organization)

Mr. John F. Robson of the United Nations Secretariat accompanied the Mission as Principal Secretary.

3. The Mission visited the Federal Republic of Germany from 21 to 23 April 1980. Following its visit to France from 23 to 28 April, the Mission continued to the United Kingdom, where it remained from 28 April to 1 May.

II. CONSULTATIONS WITH THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY

4. The Mission visited the Federal Republic of Germany from 21 to 23 April 1980.

5. It was received at the Cologne/Bonn airport by Mr. Ditrich Gescher, Head of the United Nations Affairs Section of the Foreign Ministry.

A. Meeting with the Deputy Minister for Foreign Affairs and Working Meetings

6. The Mission was received by Mr. Günter van Well, Deputy Minister for Foreign Affairs, with whom it held a detailed discussion of the Namibia question.

7. The Mission held a first working meeting with a delegation of the Federal Republic of Germany headed by Mr. Wilhelm Haas, Assistant Secretary for African Affairs, and including Mr. Leonhard Kremer, Head of the Section for Southern

a/ Official Records of the General Assembly, Thirty-fourth Session,
Supplement No. 24 (A/34/24).

and Eastern Africa, Mr. Ditrich Gescher, Head of the United Nations Affairs Section and Mr. Kurt Wolf, Deputy Head of the United Nations Affairs Section.

8. The Mission held a second working meeting at the Foreign Ministry with a delegation headed by Mr. Walter Gorenflos, Assistant Secretary for United Nations Affairs, and including Mr. Ditrich Gescher, Head of the United Nations Affairs Section, Mr. Kurt Wolf, Deputy Head of the United Nations Affairs Section, and Mr. Oesterheld and Mr. Hecker, of the International Law Section.

9. In the course of these meetings, the detailed position of the present Mission of the United Nations Council for Namibia was put forward to the Government of the Federal Republic of Germany in accordance with the mandate given to the Mission by the Council for Namibia (appendix I).

10. The Federal Republic of Germany side expressed concern that the situation in southern Africa might deteriorate rapidly. The Mission responded that, if South Africa was drawing the correct lesson from events in Zimbabwe, there was indeed hope for a peaceful resolution of the problem of Namibia; if, however, South Africa was drawing the wrong lesson, as appeared to be more probable, these fears would indeed be realized.

11. The Mission stated that the United Nations Council for Namibia and the United Nations as a whole were greatly concerned by the recent practice of South Africa of making use of its expanded military installations in Namibia as a platform from which to launch acts of aggression against neighbouring African States. Added to this was the reported explosion by South Africa of a nuclear device and the possession and exploitation by South Africa of massive reserves of uranium in Namibia. The acts of aggression and the nuclear situation constituted clear threats to international peace and security.

12. The delegation of the Federal Republic of Germany and the Mission agreed that there were, indeed, dangers of a rapid deterioration of the situation in southern Africa. The delegation of the Federal Republic of Germany observed that developments in that region were of concern to the international community as a whole and stated that the process of transition must be accelerated in order to bring peace and stability to the region.

13. The Federal Republic of Germany side reaffirmed its acceptance of the advisory opinion of the International Court of Justice of 21 June 1971 b/ as an advisory opinion. The Mission observed that, in the light of this acceptance by the Federal Republic of Germany, there was no contradiction in recognizing the Council and at the same time negotiating with South Africa regarding the implementation of Security Council resolutions 385 (1976) and 435 (1978).

b/ Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council resolution 276 (1970). Advisory Opinion, I.C.J. Reports 1971, p. 16.

14. Responding to the Mission's expression of the need to recognize the United Nations Council for Namibia, the Federal Republic of Germany side stated that the Government co-operated with the United Nations Council for Namibia and supported the Council as the United Nations Authority for Namibia until independence. On being asked by the Mission whether they recognized the travel documents issued by the Council, the Federal Republic of Germany side stated that they permitted the entry of persons travelling on these documents provided that they could return to their country of residence. It was added that that was not a discriminatory provision. The Mission expressed appreciation of the stand of the Federal Republic of Germany in this regard.

15. The Mission urged the Federal Republic of Germany to recognize the South West Africa People's Organization (SWAPO) as the sole and authentic representative of the Namibian people. The Federal Republic of Germany side stated that although its Government had not voted for the General Assembly resolution which recognized SWAPO as the sole and authentic representative of the Namibian people, on the grounds that such recognition might prejudice the electoral process in Namibia, nevertheless, it dealt with SWAPO and recognized SWAPO as an important, essential, and indispensable element in the process leading to Namibian independence. Furthermore, the Federal Republic of Germany side affirmed the decisive role that SWAPO would undoubtedly play in the future independent State of Namibia.

16. It was particularly important, the Federal Republic of Germany side stated, for the front-line States to be consulted before any move was made. After the settlement in Zimbabwe, the Government of the Federal Republic of Germany was convinced that any solution for Namibia must be carried, endorsed and supported by the Front-line States. The Government was also in touch with SWAPO and had recently invited the President of SWAPO, Mr. Sam Nujoma, to visit the Federal Republic of Germany.

17. The Mission stated that it was essential to exert pressure on South Africa to withdraw from Namibia immediately. There had been two specific Security Council resolutions which had laid the framework for a settlement of the Namibia question, but South Africa had employed dilatory tactics. It was now four years since the adoption of Security Council resolution 385 (1976) and it was nearly two years since the adoption of Security Council resolution 435 (1978) which had foreseen the establishment of the United Nations Transitional Assistance Group (UNTAG). Indeed, the period of time for the existence of UNTAG envisaged in the latter resolution had passed.

18. The Federal Republic of Germany side stated that after the Federal Republic of Germany had become a Member of the United Nations, its Government had felt that the United Nations should move forward towards a solution of the Namibian problem. In this regard, the Government of the Federal Republic of Germany based its position on Security Council resolution 435 (1978). The Government observed that there had been delays and that this was highly regrettable. There was no question that most of the delay had been the responsibility of South Africa; some had been due to SWAPO. Nevertheless, these delays should not lead to any undermining of Security Council resolution 435 (1978). It was necessary to go forward. It was also clear that after the settlement in Zimbabwe, there would be an increased feeling that SWAPO would eventually win in Namibia. It was thus important for South Africa to review its attitudes.

19. The Government of the Federal Republic of Germany, it was stressed, in its conversations with the South African Government, had always emphasized the seriousness of the situation and the need for South Africa to follow Security Council resolution 435 (1978). The South African tendency had been to express support for United Nations efforts for a certain period of time during which it would simultaneously advance an internal settlement, while always stopping short of a definitive settlement. However, it was encouraging to note that as a result of international pressure, no one in South Africa was now talking about the plan for a "constellation of states".

20. The Mission expressed its concern at the slow movement which had been observed in the activities of the Group of Five. It was clear that SWAPO had accepted the Security Council plan and had done all it could to support it, in contrast with South Africa which had been thwarting it at every step. There was a strong possibility that South Africa was gaining time in order to consolidate an "internal settlement". Equally, South Africa might feel that as long as it could spin out negotiations with the Five, the United Nations would not take any action against it. The Mission considered that the Five had not fully recognized the importance of these aspects and it even appeared that the dilatory tactics of South Africa had been condoned. The impression of the Council and, indeed, of most members of the General Assembly was that South Africa was not willing to accept the Security Council plan and was merely continuing a dialogue in order to build a strong position for an "internal settlement". At the same time South Africa was not afraid of sanctions, believing that they would not be imposed.

21. The Federal Republic of Germany side stated its Government would never recognize any "internal settlement" in Namibia. It was its impression that South Africa was aware that "an internal settlement" was not a viable solution to the problem. The Government of the Federal Republic of Germany was not satisfied with the present rate of progress and agreed that South Africa had employed delaying tactics. However, the Government considered that South Africa had not yet taken a decision on whether to accept or to reject the Security Council plan. The Government believed that it was important to convince South Africa that acceptance of the United Nations plan was desirable even from the South African point of view. It was essential that visible progress be made in 1980.

22. The Federal Republic of Germany side and the Mission discussed the need to prevent the exploitation of the natural resources of Namibia. The Federal Republic of Germany side observed that the Government's policy was based on the advisory opinion of the International Court of Justice of 21 June 1971 and was in conformity with Security Council resolution 283 (1970) and 301 (1971). In 1971, governmental support for uranium activities had been discontinued and since that time, purchases of uranium from Namibia had declined considerably.

23. On economic matters as well, the Government of the Federal Republic of Germany, it was explained, proceeded from the position that the South African presence in Namibia was illegal. As a result, there was no support for private corporations operating in Namibia, such as export credits or investment guarantees

which would normally be provided in other countries. However, the Government did not possess the legal means to restrain private corporations from doing business in Namibia. The Mission asked for and received an assurance that the agreement on double taxation between the Federal Republic of Germany and South Africa was prepared in such a way as to be not applicable in Namibia.

24. The Mission requested the Government of the Federal Republic of Germany to emphasize to the other members of the EEC the need to comply with all United Nations resolutions on the question of the activities of foreign economic interests in Namibia, and particularly with Security Council resolutions 283 (1970) and 301 (1971).

25. The Mission requested the Federal Republic of Germany side to ensure the reintegration of Walvis Bay into Namibia. The Federal Republic of Germany side reaffirmed its full support for Security Council resolution 432 (1978) which, inter alia, declared that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay into its Territory. The Mission urged the Federal Republic of Germany to ensure, through the negotiations of the Five with South Africa, that when Namibia attained genuine independence, Walvis Bay would already form part of the Territory.

26. Concerning the Mission's request for the support of the Federal Republic of Germany, when the United Nations Council for Namibia was seeking full membership for Namibia, represented by the Council, in various international organizations and conferences, the Federal Republic of Germany side welcomed the participation of the Council in such organizations and conferences. They added that they would raise no objections to such proposals if there were a consensus, but they would abstain if such matters were put to a vote.

27. The Mission expressed its appreciation for the assistance of the Federal Republic of Germany to the Namibian people by means of substantial contributions to the United Nations Institute for Namibia. The Mission requested the Government of the Federal Republic of Germany to give consideration to increasing its contributions to the Institute, and expressed its appreciation for the Government's generous contributions to the United Nations Fund for Namibia and to the Nationhood Programme for Namibia.

B. Meeting with the Foreign Affairs Committee of the Bundestag

28. The Mission held a meeting with the Chairman and members of the Foreign Affairs Committee of the Bundestag. Members of the three principal political parties in the Bundestag participated in the meeting.

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29. Responding to the welcome of the Chairman of the Foreign Affairs Committee, The Chairman of the Mission introduced the purpose and the terms of reference of the Mission. He added that at present, South Africa was making greater efforts to promote an "internal settlement", despite statements by many Governments that they would not recognize any such settlement. This was a matter of concern not only to the Council, but to the United Nations as a whole.

30. At the same time, South Africa was attempting to separate Walvis Bay from Namibia, to assert "sovereignty" over certain islands and to enlarge the territorial waters and economic zone of Namibia. In March 1980, there had even taken place a three to four weeks session of a so-called "National Assembly" to which, allegedly, law-making powers had been granted by South Africa. The United Nations Council for Namibia found it difficult to understand how the Group of Five could expect to persuade South Africa to agree to free and fair elections while such actions were taking place. The South African dilatory tactics had gone so far that as soon as the United Nations had answered one question in regard to the implementation of the plan, another series of South African questions appeared.

31. The Mission indicated, as it had already done to the Government of the Federal Republic of Germany, that it would be desirable for the Government to reaffirm its acceptance of the advisory opinion of the International Court of Justice of 21 June 1971, and to terminate all economic links concerning Namibia in the light of Security Council resolutions 283 (1970) and 301 (1971). Furthermore, it would be highly desirable for the Government of the Federal Republic of Germany to recognize the United Nations Council for Namibia as the legal Administering Authority for Namibia. What was necessary in this regard was a clear and categorical attitude by the Federal Republic of Germany and the four other members of the Group of Five.

32. In response to questions, the Mission observed that the position of South Africa appeared to have hardened after the independence of Zimbabwe. As far as the recognition of SWAPO as the sole and authentic representative of the Namibian people was concerned, this was not the first time that the United Nations had recognized a specific liberation movement. This practice had been put to test in the recent elections in Zimbabwe and had been proved correct. The same would be true in the case of Namibia.

33. The Mission stated that SWAPO had taken up the armed struggle only as a result of the vicious acts of repression perpetrated by the illegal South African occupation régime on the people of Namibia. Despite this, SWAPO had shown its willingness for a peaceful and democratic settlement in Namibia. SWAPO was the only party in Namibia organized by the people as a whole. The Democratic Turnhalle Alliance was a party organized by South Africa on tribal lines. In fact, it was an organization of tribal chiefs who had been appointed to their posts by the illegal South African administration.

C. Issuance of a press statement

34. At the conclusion of its visit to the Federal Republic of Germany, the Mission issued a press statement, the text of which is to be found as appendix II to the present report.

III. CONSULTATIONS WITH THE GOVERNMENT OF FRANCE

35. The Mission visited France from 23 to 28 April 1980.

36. The Mission was received by Mr. Bruno de Leusse, Secretary-General of the French Ministry of Foreign Affairs, and held two working meetings at the Ministry of Foreign Affairs with a French delegation headed by Mr. André Lewin, Director of the Department for the United Nations and International Organizations, and including Mr. Massenet of the same department, and Mr. René Lahaye of the Department of African Affairs. In the course of these meetings, the Mission put forward the position of the United Nations Council for Namibia in accordance with the mandate given to it by the Council (appendix I) and emphasized that, unless the French Government had a reasonable certainty that South Africa would comply with Security Council resolutions 385 (1976) and 435 (1978), it would be better to inform the international community of the reality of the present situation.

37. Regarding the advisory opinion of the International Court of Justice of 21 June 1971, the French side stated that the French Government did not share the view of the Court. However, as a result of the fact that South Africa had failed in its obligation to negotiate in good faith with the United Nations independence for Namibia, the French Government considered the South African presence in Namibia to be illegal, and as a result of this, all acts of the South African administration in Namibia, such as for example those regarding the territorial sea and fisheries, did not possess the seal of legality.

38. Regarding the question of bilateral treaties entered into by France and South Africa in which South Africa might claim to represent Namibia, the French side declared that the French Government would not now consider such treaties to be in fact applicable to Namibia. The number of possible instances of the existence of such treaty provisions was in any event small.

39. At the same time, the French Government had certain legal doubts about the status of the United Nations Council for Namibia, but the goals of the Group of Five were the same as those of the Council, namely, the genuine independence of Namibia.

40. The position of the French Government with regard to the administering role of the United Nations Council for Namibia was based on its interpretation of the United Nations Charter. In its view, the General Assembly had no power, under the Charter, to establish the Council to be the Administering Authority for Namibia. The power to administer trust territories resided only with the Trusteeship Council.

41. The French side added that any differences which might exist between the position of the French Government and the position of the United Nations Council for Namibia were of a legal and not of a political nature.

42. Concerning the Mission's request for support of the French Government when the United Nations Council for Namibia was seeking full membership for Namibia,

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represented by the Council, in various international organizations and conferences, the French side stated that since the French Government had joined in the efforts of the Group of Five, it would not be appropriate to extend such support. However, they would raise no objection to such proposals if there were a consensus, but they would abstain if these proposals were put to a vote.

43. The Mission emphasized that South Africa, in spite of the stance taken by the United Nations, continued to pursue policies of aggression against the Namibian people as well as against neighbouring countries and to expand its military installations in Namibia. The French representatives expressed concern over these dangers.

44. Responding to the Mission's observations that four years had passed since the adoption of the Security Council resolution 385 (1976) and almost two years since Security Council resolution 435 (1978), the French side declared that the delay was indeed a matter of concern to the French Government which had been conveyed to the South African Government. In the view of the French Government, there should be a rapid attainment of independence by Namibia. The settlement should not be delayed beyond 1981.

45. The Mission emphasized that the duplicity of South Africa was reflected in the continuous acts of its illegal administration in Namibia in defiance of the resolutions of the Security Council. These acts had systematically undermined the proposed United Nations settlement plan.

46. The Mission, remarking that South Africa might draw the wrong lesson from events in Zimbabwe, inquired what influence the French Government and other members of the Five possessed over South Africa. The French side stated that many countries in the United Nations Council for Namibia, and in Africa, considered that the Five possessed more influence than they really did. The Five had brought South Africa a considerable way forward but it was not certain that they possessed enough influence to make South Africa take the final step towards the independence of Namibia. It might even be considered that the Five had nearly expended their influence. With regard to economic sanctions, the Government had some doubts as to whether they would be effective against South Africa. In Southern Rhodesia sanctions had taken 10 years to take effect.

47. The Mission responded that, apart from the imposition of economic sanctions against South Africa, the French Government should accord recognition to the United Nations Council for Namibia as the legal Administering Authority for Namibia and to SWAPO as the sole and authentic representative. Such action would also be an important political instrument for exerting pressure on South Africa.

48. The French side stated that the settlement of the situation in Zimbabwe having been achieved, the French Government would make every effort to obtain a settlement of the question of Namibia. There was some divergence between the position of the French Government and that of the United Nations Council for Namibia regarding the need to exert pressure on South Africa to implement the plan

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approved by the Security Council. It was the opinion of the French Government that South Africa had been shaken by the results of the elections in Zimbabwe and that it needed a certain time to assess those results. The French Government considered that the policy being followed by the new Government of Zimbabwe was a correct one and that it should be assessed as such by South Africa. With regard to any possibility that the French Government might favour an internal settlement of the type that had been attempted in Southern Rhodesia, the French side wished to state clearly that the French Government had never recognized the Muzorewa-Smith régime in Southern Rhodesia and would not recognize any internal settlement in Namibia.

49. The Mission expressed its conviction that the efforts of South Africa to impose an "internal settlement" in Namibia can be effectively prevented if all United Nations Member States refrain from according any recognition to or co-operating with any régime which the illegal South Africa administration may impose upon the Namibian people in disregard of the provisions of Security Council resolutions 385 (1976) and 435 (1978).

50. Responding to an observation by the French side to the effect that the so-called Administrator General of Namibia, Mr. Viljoen, had suggested that South Africa might have direct discussions with SWAPO, the Mission stated that SWAPO was capable of deciding for itself whether or not to agree to this, and that in any case SWAPO had already taken part in the so-called proximity talks. However, the goal of South Africa was to consolidate its position in Namibia, and to weaken the position of SWAPO. The Mission added that SWAPO was already on record as being ready to discuss with South Africa the question of transfer of power. This should be done under the auspices of the United Nations.

51. The Mission stated that one of South Africa's principal aims in Namibia was to undermine the position of the South West Africa People's Organization, sole and authentic representative of the Namibian people and that, according to published reports, South Africa had expressed the intention of intensifying its efforts to undermine the role of SWAPO in the current negotiations and in an independent Namibia. The French representative observed that, as they had stated previously, no solution of the Namibian question could take place without the full participation of SWAPO. The French Government fully understood SWAPO's position and strength and in fact the French Foreign Minister had received the President of SWAPO in the past.

52. With regard to the activities of foreign economic interests in Namibia, and the exploitation of the natural resources of that country, the Mission emphasized the importance of compliance with Security Council resolutions 283 (1970) and 301 (1971). The French side stated that the French Government did not feel legally bound by these resolutions as they had abstained in the voting on them. Nevertheless, the French Government was acting in the spirit of these resolutions and, with two exceptions, had successfully discouraged French corporations from operating in Namibia. With regard to shipments of Namibian uranium to France, the French side stated that the French airline Union des Transports Aériens (UTA) had

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ceased these shipments as of 31 December 1979. So far as they knew, no shipments of uranium were now entering France from Namibia.

53. Responding to the Mission's inquiry as to whether the French Government, in its talks with South Africa, was ensuring that when Namibia gained independence it would have its entire Territory intact, the French side stated that its Government considered that South Africa had a duty and obligation to restore Walvis Bay to Namibia. The French side recalled Security Council resolution 432 (1978).

Issuance of a press statement

54. At the conclusion of the consultations, the Mission issued in Paris, on 25 April 1980, a press statement, the text of which is to be found in appendix III to the present report.

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IV. CONSULTATIONS WITH THE GOVERNMENT OF THE UNITED KINGDOM

55. The Mission visited the United Kingdom from 28 April to 1 May 1980, and held two working meetings at the Foreign and Commonwealth Office with a United Kingdom delegation headed by Sir Leonard Allinson, Assistant Under-Secretary with responsibility for Africa.

56. The Mission presented the position of the United Nations Council for Namibia in accordance with the mandate given to it by the Council (appendix I).

57. Sir Leonard conveyed to the Mission the welcome of the United Kingdom Government.

58. The Mission discussed with the United Kingdom delegation measures and initiatives to obtain the withdrawal of the illegal South African administration from Namibia, in compliance with United Nations resolutions on Namibia. The Mission pointed out that South Africa, in its refusal to comply with the resolutions of the United Nations on the question of Namibia, was continuing to entrench the practice of apartheid and to divide the Territory into homelands for the African population and enclaves for the European supporters of apartheid with the purpose of consolidating its exploitation of the people and resources of the Territory. The United Kingdom side reiterated, as in the past, that the South African presence in Namibia was unlawful and should be withdrawn.

59. In response to a question of the Mission, the United Kingdom side stated that its Government did not accept in full the advisory opinion of the International Court of Justice of 21 June 1971; the reasons for this were contained in a statement made in the House of Commons in December 1974 by the Prime Minister. However, South Africa had no right to make decisions affecting the international status of Namibia, such as those on new limits for the territorial sea and the coastal economic zone.

60. The Mission emphasized that South Africa, in spite of the stance taken by the United Nations, continues to pursue policies of aggression against the Namibian people as well as against neighbouring countries and to expand its military installations in Namibia. The United Kingdom delegation expressed its concern over these developments and reiterated its support of the Security Council resolutions condemning South Africa's attacks on neighbouring African countries.

61. With regard to the plan for a peaceful settlement of the Namibian question approved by the Security Council, the Mission emphasized that the duplicity of South Africa was reflected in the continuous acts of its illegal administration in Namibia in defiance of the resolutions of the Security Council. These acts had systematically undermined the measures of the proposed settlement plan, the object of which was to provide for the genuine independence of Namibia by means of free elections under the supervision and control of the United Nations. The Mission pointed out that four years had passed since the adoption of the Security Council resolution 385 (1976) and almost two years since the adoption of

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resolution 435 (1978). The Mission expressed its view that certain public statements of South Africa favouring a settlement were belied by their actions. South Africa was manoeuvring to gain time.

62. The United Kingdom side reiterated its unreserved support of Security Council resolutions 385 (1976) and 435 (1978) and its resolve to pursue the efforts aimed at the implementation of these resolutions. It stressed, however, that putting too much pressure upon South Africa at the present time might be counter-productive, in the light of the need to allow adequate time to the South African Government to assess the settlement in Zimbabwe. In that respect the United Kingdom delegation mentioned the visit of Mr. G. Viljoen to the United Kingdom and the talks which he had held with the United Kingdom Foreign Secretary in which the Foreign Secretary stressed the need for an early and positive reply to the United Nations Secretary-General on the demilitarized zone.

63. The Mission mentioned that previous missions in regard to the question of Namibia, including the visit of the Secretary-General of the United Nations as well as that of his representative Mr. Martin Escher, to South Africa, had all failed. The Mission inquired as to why the United Kingdom Government felt that South Africa would at this time follow a different course of action. The Five Powers had had four years since the adoption of Security Council resolution 385 (1976) and nearly two years since the adoption of resolution 435 (1978) to negotiate with South Africa. The Mission felt that the Five had condoned dilatory tactics by South Africa.

64. The Mission inquired as to what, in the view of the United Kingdom side, was a reasonable period for the implementation of the United Nations plan. The United Kingdom side expressed unwillingness to set down a time-limit for the implementation of the above-mentioned resolutions.

65. The United Kingdom side added that it understood the Mission's point of view, and that its Government was not an apologist for South Africa. If one rushed to attempt a quick solution to the Namibia question, its collapse could be equally quick. At present there were divisions within the South African ruling party; a solution would take time. The United Kingdom side further stated that at one time it had felt that Namibia's liberation would come about before the Southern Rhodesian problem was solved. However, events in Southern Rhodesia had been helpful, although the result was not what South Africa had expected and it had been a shock which it would take the South African Government some time to digest.

66. When the Mission persisted in its question why the United Kingdom Government felt that South Africa might agree to a settlement this time, the United Kingdom side stated that for the first time South Africa had accepted United Nations principles, namely independence, one-man-one-vote, and the ending of racial discrimination. This was a political breakthrough of some significance. South Africa's continued promises of co-operation should be given attention. If time were to elapse, it would not necessarily be serious compared to the whole history of the Namibia question. Further, there might be other ways of achieving a settlement of the Namibia question.

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67. The Mission observed that the concern of the United Nations with the delay in the implementation of Security Council resolutions 385 (1976) and 435 (1978) had led the General Assembly to determine, in its resolution 33/206, that South Africa had acted deceitfully through unilateral measures and sinister schemes within Namibia during the protracted period of talks for a negotiated settlement on Namibia to the detriment of the Namibian people and their national liberation movement, SWAPO. The General Assembly had also condemned South Africa for its arrogant and defiant actions in imposing on the Namibian people a so-called "internal settlement" through a fraudulent and illegal "National Assembly" designed to achieve international recognition for its puppets. The United Kingdom delegation recalled that it had not supported such decisions by the General Assembly. The Mission expressed its conviction that the efforts of South Africa to impose an "internal settlement" of the question of Namibia can be effectively prevented if all United Nations Member States refrain from according any recognition to or co-operating with any régime which the illegal South Africa administration may impose upon the Namibian people in disregard of the provisions of Security Council resolutions 385 (1976) and 435 (1978). The Mission stressed that the granting of powers to this so-called "Assembly" was in violation of these Security Council resolutions and that the original plan envisaged the convening of a constituent assembly after elections supervised and controlled by the United Nations. The United Kingdom delegation expressed the view that it was an inevitable feature of negotiations that the parties continue to implement their publicly expressed position until an agreement is reached. In that connexion, the United Kingdom delegation observed that South Africa was continuing with its plans as a preparation for the possible failure of the United Nations plan. The United Kingdom delegation regretted these actions. At the same time, the United Kingdom delegation was of the opinion that the granting by South Africa by certain powers to a so-called "National Assembly" was not contrary to the United Nations plan which emphasized the considerations of all the constitutional issues regarding the future of Namibia by such an assembly.

68. The United Kingdom delegation stressed that it was working for genuine independence for Namibia. It has been and continues to be its position not to recognize undemocratic settlements and, in the case of Namibia, the United Kingdom would not accept a solution which was imposed.

69. Concerning the Mission's request for the support of the United Kingdom Government when the United Nations Council for Namibia was seeking full membership for Namibia, represented by the Council, in various international organizations and conferences, the United Kingdom side stated that it would raise no objection to such proposals if there were a consensus, but it would abstain if these proposals were put to a vote.

70. The Mission stated that one of South Africa's principal aims in Namibia was to undermine the position of SWAPO, sole and authentic representative of the Namibian people and that, according to published reports, South Africa had expressed the intention of intensifying its efforts to undermine the role of SWAPO in the current negotiations and in an independent Namibia.

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71. The Mission observed that, after Zimbabwe, both fears and expectations were rising, and it was clear that the international community would focus much more sharply on Namibia. The United Kingdom had already agreed that the South African presence in Namibia was unlawful. In order to bring about an early implementation of the United Nations plan for Namibia, two measures, apart from economic sanctions, should be undertaken. These were:

(a) Recognition of the United Nations Council for Namibia as the legal Administering Authority for Namibia;

(b) Recognition of SWAPO as the sole and authentic representative of the Namibian people.

These were not an alternative to economic sanctions, but they were political instruments, in the hands of any Government which cared to use them, exerting pressure on South Africa to implement the United Nations plan.

72. With regard to the implementation of Security Council resolutions 283 (1970) and 301 (1971), the United Kingdom side stated that the United Kingdom was not bound by those resolutions, as it had abstained in the voting on them. Furthermore, the cutting off of trade with Namibia would constitute a form of economic sanctions against South Africa, and the United Kingdom considered that there was no Security Council mandate for such action.

73. The Mission stated to the United Kingdom side that South Africa had also ignored the decisions of the General Assembly and the Security Council regarding the preservation of the territorial integrity of Namibia and had taken steps to separate Walvis Bay from Namibia. In this regard, the United Kingdom side stressed that its position remained unchanged and it continued to support the Security Council resolution. In its view, this was a matter to be negotiated between South Africa and an elected Government of Namibia.

74. The Mission raised with the United Kingdom delegation the question of the need for contributions by the United Kingdom Government to the three United Nations funds for Namibia. The United Kingdom delegation recalled that the United Kingdom is providing technical assistance to the United Nations Institute for Namibia in Lusaka. The Mission expressed appreciation for this but reiterated its request for contributions to the three United Nations funds.

Issuance of a statement

75. At the conclusion of the consultations, the Mission issued a statement at a press conference. On this occasion, the film "The Yellowcake Road", dealing with illegal exploitation of uranium in Namibia, was also shown to journalists and representatives of non-governmental organizations.

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V. MEETINGS WITH NON-GOVERNMENTAL ORGANIZATIONS

76. In accordance with the mandate of the United Nations Council for Namibia to promote the dissemination of information on Namibia, the Mission held a series of meetings with non-governmental organizations.

77. In the course of these meetings, the Mission explained the purpose of the Mission's visits and the matters which the Mission was raising with the Governments, discussed the present situation in Namibia and, while emphasizing the role of non-governmental organizations in formulating and educating public opinion, enquired what the various organizations were doing in their efforts to mobilize public opinion in support of the cause of Namibia. The various non-governmental organizations explained their activities in this regard, for which the Mission expressed its appreciation. Some of the non-governmental organizations requested more information and documentation on the activities of the United Nations Commissioner for Namibia. The Mission promised to look into this matter upon its return to United Nations Headquarters.

78. The Mission distributed to representatives of the non-governmental organizations a quantity of the kits on Namibia prepared by Standing Committee III of the United Nations Council for Namibia.

79. The Mission met the following non-governmental organizations:

(a) In the Federal Republic of Germany:

United Nations Association of the Federal Republic of Germany

Anti-Apartheid Movement (Anti-Apartheid Bewegung)

Information Centre for Southern Africa (Informationsstelle Südliches Afrika)

(b) In France:

Association française d'amitié et de solidarité avec les peuples d'Afrique

Comité Catholique contre la faim et pour le développement

Confédération française démocratique du travail

Mouvement anti-apartheid

Campagne Anti-Outspan

Mouvement contre le racisme et pour l'amitié entre les peuples

(c) In the United Kingdom:

Africa Bureau

Anti-Apartheid Movement

British Council

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Commonwealth Secretariat
International Defence and Aid Fund
International Fellowship of Reconciliation and the Africa Education Trust
Namibia Support Committee

VI. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

80. The Mission wishes to place before the United Nations Council for Namibia the following conclusions arising out of its consultations with the Governments of the Federal Republic of Germany, France and the United Kingdom.

81. The Mission observed in the Federal Republic of Germany and, to a certain extent, in France and the United Kingdom an awareness of the potential dangers of delay in reaching a settlement of the problem of Namibia in accordance with Security Council resolutions 385 (1976) and 435 (1978). This was tempered in varying degrees by a feeling that time should be allowed to South Africa for it to assess the situation arising out of the settlement which recently took place in Zimbabwe. The Government of the Federal Republic of Germany stated that the process of transition must be accelerated in order to bring peace and stability to the region. The Government of the Federal Republic of Germany also shared the concern of the Mission regarding the threat to international peace and security posed by the militarization of Namibia by South Africa and its use as a springboard from which to launch attacks on neighbouring countries, coupled with the massive exploitation of its uranium reserves by that country. The French Government expressed concern over the dangers arising from the fact that South Africa was continuing to pursue policies of aggression against the Namibian people as well as against neighbouring countries and was continuing to expand its military installations in Namibia. The United Kingdom Government shared the Mission's concern over South Africa's policy of aggression against the Namibian people as well as against neighbouring countries and of expansion of its military installations in Namibia. The United Kingdom Government reiterated its support of Security Council resolutions condemning these attacks.

82. All three Governments informed the Mission that within the framework of the efforts of the Five, they had conveyed to South Africa their concern over the delay in the implementation of the United Nations plan. All three Governments visited stated that they were pursuing the same goals as the United Nations Council for Namibia, namely the achievement of genuine independence for Namibia. However, there was no clear indication from any of them on possible further measures of pressure upon South Africa in the event of the failure of the Security Council plan. In the Federal Republic of Germany, France and the United Kingdom there were differing perceptions regarding the time to be allowed to South Africa to implement the United Nations plan.

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83. The Government of the Federal Republic of Germany reiterated that it would under no circumstances recognize any so-called "internal settlement" and that this position had been conveyed to the South African Government. The French Government stated that it would not recognize any "internal settlement" in Namibia, just as it had refused to recognize the "internal settlement" in the then Southern Rhodesia. The United Kingdom Government indicated that it would not recognize any undemocratic settlement which might be imposed on Namibia. However, the United Kingdom Government expressed the view that it was an inevitable feature of negotiations that the parties continued to implement their publicly expressed position until an agreement is reached.

84. All three Governments consulted declared that the presence of South Africa in Namibia was illegal (Federal Republic of Germany and France) or unlawful (United Kingdom) and that this presence should be removed. The Government of the Federal Republic of Germany stated that South Africa should put an immediate end to its illegal occupation of Namibia. The French Government reiterated that all acts of the South African administration in Namibia were without the seal of legality. The United Kingdom Government stressed that South Africa had no right to take any action which would affect the international status of Namibia.

85. With regard to the role of the United Nations Council for Namibia as the Administering Authority for Namibia, the Government of the Federal Republic of Germany reaffirmed its support of the United Nations Council for Namibia as the United Nations Authority for Namibia until independence. The Governments of France and the United Kingdom stated that they did not recognize the Council in this role but that they would continue their co-operation with the Council in order to achieve goals which were mutually shared.

86. On the question of the reintegration of Walvis Bay into Namibia, all three Governments consulted reaffirmed their support of Security Council resolution 432 (1978). The United Kingdom Government added that, in its view, the Group of Five had made it clear to all concerned that the future of Walvis Bay should be the subject of negotiations between South Africa and the Government of an independent Namibia.

87. The Government of the Federal Republic of Germany stated that bilateral and multilateral treaties involving the Federal Republic of Germany and South Africa were not applicable to Namibia. The Governments of France and the United Kingdom took note of the dispositions of Security Council resolution 283 (1970) according to which Member States should delete, from any bilateral or multilateral treaties to which South Africa is a party, provisions applying these treaties to the territory of Namibia. The French Government stated that it would not at this stage consider any old treaties including France and South Africa to be applicable to Namibia.

88. With regard to the need to prevent the exploitation of the natural resources of Namibia, the Government of the Federal Republic of Germany observed that its policy was based on the advisory opinion of the International Court of Justice of 21 June 1971 and was in conformity with Security Council resolutions 283 (1970)

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and 301 (1971). The French Government maintained that these resolutions were not legally binding but it considered that, with two exceptions, it was acting in the spirit of these resolutions. The French and United Kingdom Governments regarded these resolutions as not legally binding on the grounds that they had abstained in the voting on them. The United Kingdom Government regarded those same resolutions as not binding and as not imposing any obligation upon the United Kingdom Government to prevent economic activities in Namibia on the further grounds that the Security Council had not determined the existence of any threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the United Nations Charter.

89. The Mission sought the views of all three Governments visited on the problem posed by the fact that four years had passed since the adoption of Security Council resolution 385 (1976) and nearly two years since the adoption of Security Council resolution 435 (1978), and by the fact that the period of operation of the proposed United Nations Transitional Assistance Group, foreseen in resolution 435 (1978), had already been exceeded. The Mission was not informed of any concrete measures foreseen by the three Governments if the Security Council plan for the independence of Namibia were not implemented.

90. With regard to the recognition of SWAPO as the sole and authentic representative of the Namibian people, the Governments of France and the Federal Republic of Germany recognized the pre-eminent role of SWAPO and stated that no solution of the Namibian question could take place without full participation of SWAPO. The United Kingdom did not formulate any response to the Mission's request on this subject.

91. On the question of recognition of travel documents of the United Nations Commissioner for Namibia, the response of the Governments of the Federal Republic of Germany and the United Kingdom was favourable. The French Government expressed its inability to recognize these documents.

B. Recommendations

92. The United Nations Council for Namibia should take up the assertion of the Governments of France and the United Kingdom that resolutions of the Security Council on which they abstain are not necessarily binding on them. The United Nations Council for Namibia should look into the legal and political aspects of this situation and, if necessary, consider referring this question to the appropriate United Nations body.

93. The United Nations Council for Namibia should complete urgently the study of bilateral and multilateral treaties signed by South Africa in which South Africa may have claimed to represent Namibia so that this matter can be pursued if necessary with the three Governments that were visited.

94. The United Nations Council for Namibia should examine the question of strengthening the legal basis of Decree No. 1 for the Protection of the Natural

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Resources of Namibia, c/ possibly by clarifying the existing link to certain resolutions of the Security Council, in order to make it more effective in those countries whose Governments consider the Decree to be simply a recommendation of the General Assembly.

95. The United Nations Council for Namibia should take up with the Government of France the question of recognition of the travel documents issued by the Council.

96. The United Nations Council for Namibia, either in the name of Namibia or in the name of its individual members, should give consideration to instituting contentious proceedings against those States which are not complying with Security Council resolutions on the question of Namibia, both at the International Court of Justice and in the domestic courts of these countries.

97. The United Nations Council for Namibia should examine the question of the continuing supply of military equipment to South Africa for use in Namibia.

98. The United Nations Council for Namibia should urgently examine the threat to the natural resources of Namibia. In particular, the Council should take up this question urgently with countries whose corporations are plundering the uranium and other reserves of Namibia.

99. The United Nations Council for Namibia should counter South Africa's acts to extend illegally, in its own name, the territorial sea of Namibia and to proclaim an exclusive economic zone for Namibia. The Council should examine, in this connexion, the use of its own authority to extend the territorial sea of Namibia and to proclaim an exclusive economic zone for Namibia.

100. The United Nations Council for Namibia should make arrangements to provide information material to the non-governmental organizations that were visited.

VII. ACKNOWLEDGEMENTS

101. The Mission would like to take this opportunity to extend its thanks to the Governments of the Federal Republic of Germany, France and the United Kingdom for the opportunities afforded to the Mission for a full exchange of views on the question of Namibia.

VIII. ADOPTION OF THE REPORT

102. The present report was adopted at a meeting of members of the Mission held at United Nations Headquarters on Saturday, 10 May 1980.

c/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 24 A, (A/9624/Add.1), para. 84. The Decree has been issued in final form in Namibia Gazette No. 1.

APPENDIX I

Mandate given to the Mission by the United Nations
Council for Namibia

1. The Mission should request Member States to comply with the spirit and the letter of the resolutions of the General Assembly and the Security Council on Namibia in order to intensify pressure to ensure the withdrawal of the illegal South African administration from Namibia.
2. The Mission should convey to the Governments that the efforts of the Pretoria régime to impose an internal settlement of the question of Namibia can be effectively undermined if all Member States will refrain from according any recognition to or co-operating with any régime which the illegal South African administration may impose upon the Namibian people in disregard of the provisions of the Security Council resolutions 385 (1976) and 435 (1978) and of subsequent resolutions of the General Assembly and the Security Council on the question of Namibia.
3. The Mission should request Member States to make special efforts to increase financial and material assistance to strengthen the capacity of SWAPO in its struggle to fulfil the legitimate aspirations of the Namibian people to self-determination, freedom and national independence in a united Namibia.
4. The General Assembly had, at its thirty-fourth session, requested all specialized agencies and other organizations and conferences within the United Nations system to grant full membership to the United Nations Council for Namibia so that it may participate in that capacity as the Administering Authority for Namibia in the work of those agencies, organizations and conferences. a/ The Mission should request Member States to increase their support for the United Nations Council for Namibia in order that it may intensify and broaden the scope of its activities, in close co-operation with SWAPO, towards the fulfilment of the commitments of the United Nations to the Namibian people resulting from General Assembly resolution 2145 (XXI) of 27 October 1966.
5. The Mission should request Member States to accept United Nations travel documents issued by the United Nations Council for Namibia in favour of Namibians in order that they may travel internationally for educational purposes or to promote the cause of self-determination, freedom and national independence in a united Namibia.
6. The five Western Powers have voted in support of Security Council resolution 432 (1978) which demands that South Africa take no action which would lead to the annexation of Walvis Bay to South Africa. The General Assembly has declared in its resolutions on Namibia since 1976 that any attempt by South Africa to annex

a/ Resolution 34/92 C, para. 1.

Walvis Bay would be illegal, null and void. The Mission should endeavour to obtain a strong commitment from the Western Powers in support of the territorial integrity and unity of Namibia.

7. The Mission should express concern over the continuing close co-operation of the five Western Powers with South Africa in the political, economic and military fields, including co-operation in the nuclear field, since this co-operation strengthens the Pretoria régime in its defiance of the relevant United Nations resolutions. The Mission should also express its concern over the refusal of South Africa to comply with the resolutions of the Security Council on Namibia and the consequent delay in their implementation. The Mission should endeavour to obtain a commitment of the five Western Powers not to recognize any régime that may be established by the illegal administration in Namibia. In this regard the Mission should urge those Powers to do their utmost to obtain South Africa's compliance with the resolutions of the Security Council, in particular resolutions 385 (1976) and 435 (1978).

8. The Mission should request compliance with the stand of the United Nations regarding the protection of the natural resources of Namibia.

9. The Mission should request contributions to the United Nations Fund for Namibia and, in particular, to the Trust Fund for the United Nations Institute for Namibia until genuine independence is achieved.

APPENDIX II

Press statement issued by the Mission in Bonn
on 23 April 1980

1. Upon the invitation of the Government of the Federal Republic of Germany, a Mission of Consultation of the United Nations Council for Namibia visited the Federal Republic of Germany from 21 to 23 April 1980. The Mission was led by the Permanent Representative of India to the United Nations and included representatives of Yugoslavia and Zambia, a representative of SWAPO and a member of the United Nations Secretariat.
2. During its stay, the Mission was received by Mr. Günther van Well, Deputy Minister for Foreign Affairs. The Mission held three sessions of substantive discussions with a delegation headed by Mr. Wilhelm Haas, Assistant Secretary for African Affairs and Mr. Walter Gorenflos, Assistant Secretary for United Nations Affairs. The Mission was also received by the Chairman and members of the Foreign Relations Committee of the Bundestag.
3. The Mission held consultations with the Federal Republic of Germany side on the situation in Namibia and examined ways and means of implementing relevant United Nations resolutions on Namibia with a view to achieving self-determination, freedom and genuine independence in a united Namibia. The Federal Republic of Germany side reaffirmed its support of United Nations organs and in particular of the United Nations Council for Namibia as the United Nations Authority for Namibia until independence.
4. The Federal Republic of Germany side and the Mission expressed the fear shared by both of the dangers of a rapid deterioration of the situation in Southern Africa. The Federal Republic of Germany side observed that developments in that region are of concern to the international community as a whole and stated that the process of transition must be accelerated in order to bring peace and stability to the region.
5. In this context, the Mission drew attention to the threat of international peace and security posed by the militarization of Namibia by South Africa and its use as a springboard from which to launch attacks on neighbouring countries, coupled with the massive exploitation of its uranium reserves by that country, which has not adhered to the Nuclear Non-Proliferation Treaty. The Federal Republic of Germany side shared this concern of the Mission.
6. The Federal Republic of Germany side reaffirmed the central role that SWAPO will play in the negotiations leading to the independence of Namibia and the decisive role that it will undoubtedly play in the future independent State of Namibia. The representative of SWAPO in the Mission welcomed the invitation to visit the Federal Republic of Germany extended by the Government of the Federal Republic of Germany to the President of SWAPO, Mr. Sam Nujoma.

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7. The Federal Republic of Germany side and the Mission reiterated their demand that South Africa put an immediate end to its illegal occupation of Namibia.
8. Noting that four years had gone by since the adoption of Security Council resolution 385 (1976), that it was already two years since the adoption of Security Council resolution 435 (1978) and that the period of time envisaged in it had passed, the Federal Republic of Germany side and the Mission declared that the responsibility for the delay lay with South Africa.
9. The two sides noted with concern that while expressing verbal support for United Nations initiatives, South Africa was at the same time continuing its preparations for the so-called "internal settlement". The Mission noted with appreciation the reiteration by the Federal Republic of Germany side of the position of the Federal Republic of Germany that it would, under no circumstances, recognize any so-called "internal settlement" and that this position had been conveyed to the South African Government.
10. In this regard, the Federal Republic of Germany side noted with appreciation that SWAPO was willing to participate in elections supervised and controlled by the United Nations. The Mission reiterated that SWAPO is recognized by the United Nations as the sole and authentic representative of the Namibian people.
11. The Federal Republic of Germany side and the Mission discussed the need to prevent the exploitation of the natural resources of Namibia. The Federal Republic of Germany side observed that its policy was based on the advisory opinion of the International Court of Justice of 21 June 1971 and was in conformity with Security Council resolutions 283 (1970) and 301 (1971). The Mission appreciated the fact that the agreement on double taxation between the Federal Republic of Germany and South Africa was prepared in such a way as to be not applicable to Namibia.
12. The Mission requested the Government of the Federal Republic of Germany to emphasize to the other members of the EEC the need to comply with all United Nations resolutions on the question of the activities of foreign economic interests in Namibia, and particularly with Security Council resolutions 283 (1970) and 301 (1971).
13. The Federal Republic of Germany side reaffirmed its full support for Security Council resolution 435 (1978) which, inter alia, declared that the territorial integrity and unity of Namibia must be assured through the reintegration of Walvis Bay into its Territory.
14. The Mission expressed its appreciation for the direct assistance of the Federal Republic of Germany to the Namibian people by means of substantial contributions to the United Nations Institute for Namibia. The Mission requested the Government of the Federal Republic of Germany to increase its contributions to the Institute, to the United Nations Fund for Namibia and to the Nationhood Programme for Namibia.

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15. The Mission, recalling the warmth with which it had been received in 1974, expressed its thanks to the Government and people of the Federal Republic of Germany for the warm welcome extended to it and for their generous hospitality, and expressed its appreciation for the position taken by the Government of the Federal Republic of Germany in support of self-determination and genuine independence for the Namibian people.

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APPENDIX III

Press statement issued by the Mission in Paris
on 25 April 1980

1. With the agreement of the Government of France, a Mission of Consultation of the United Nations Council for Namibia visited France from 23 to 25 April 1980. The Mission was led by the Permanent Representative of India to the United Nations and included representatives of Yugoslavia and Zambia, a representative of SWAPO and a member of the United Nations Secretariat.
2. During its stay the Mission was received by Mr. Bruno de Leusse, Secretary-General of the Ministry of Foreign Affairs. The Mission held two sessions of substantive discussions with a delegation headed by Mr. André Lewin, Director of the Department of United Nations and International Organizations Affairs at the Ministry of Foreign Affairs.
3. The Mission discussed measures and initiatives to obtain the withdrawal of the illegal South African administration from Namibia, in compliance with United Nations resolutions on Namibia. The Mission pointed out that South Africa, in its refusal to comply with the resolutions of the United Nations on the question of Namibia, was continuing to entrench the practice of apartheid and to divide the Territory into homelands for the African population and enclaves for the European supporters of apartheid with the purpose of consolidating its exploitation of the people and resources of the Territory. The French representatives reiterated, as in the past, that the South African presence in Namibia was illegal and that all acts of the South African administration in Namibia were without the seal of legality.
4. The Mission emphasized that South Africa, in spite of the stance taken by the United Nations, continued to pursue policies of aggression against the Namibian people as well as against neighbouring countries and to expand its military installations in Namibia. The French representatives expressed concern over these dangers.
5. With regard to the plan for a peaceful settlement of the Namibian question approved by the Security Council, the Mission emphasized that the duplicity of South Africa was reflected in the continuous acts of its illegal administration in Namibia in defiance of the resolutions of the Security Council. These acts had systematically undermined the measures of the proposed settlement plan, the object of which was to provide for the genuine independence of Namibia by means of free elections under the supervision and control of the United Nations. The Mission pointed out that four years had passed since the adoption of Security Council resolution 385 (1976) and almost two years since the adoption of resolution 435 (1978). The French representatives shared this concern regarding the delay in implementation of the settlement plan and observed that they had conveyed this concern to the South African Government within the framework of the efforts of the Group of Five.

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6. The Mission observed that the concern of the United Nations with the delay in the implementation of Security Council resolutions 385 (1976) and 435 (1978) had led the General Assembly to determine in its resolution 33/206 that South Africa had acted deceitfully through unilateral measures and sinister schemes within Namibia during the protracted period of talks for a negotiated settlement on Namibia to the detriment of the Namibian people and their national liberation movement, SWAPO. The General Assembly had also condemned South Africa for its arrogant and defiant actions in imposing on the Namibian people a so-called "internal settlement" through a fraudulent and illegal "National Assembly" designed to achieve international recognition for its puppets. The Mission expressed its conviction that the efforts of South Africa to impose an "internal settlement" of the question of Namibia can be effectively prevented if all United Nations Member States refrain from according any recognition to or co-operating with any régime which the illegal South African administration may impose upon the Namibian people in disregard of the provisions of Security Council resolutions 385 (1976) and 435 (1978). The French representative stated that they would not recognize any "internal settlement" in Namibia just as they had refused to recognize the internal settlement in the then Southern Rhodesia.

7. The Mission stated that one of South Africa's principal aims in Namibia was to undermine the position of the South West Africa People's Organization (SWAPO), sole and authentic representative of the Namibian people, and that, according to published reports, South Africa had expressed the intention of intensifying its efforts to undermine the role of SWAPO in the current negotiations and in the future of Namibia. The French representatives observed that, as they had stated previously, no solution of the Namibian question could take place without the full participation of SWAPO. They also stressed that elections in Namibia should be held under the supervision and control of the United Nations as envisaged in Security Council resolutions 385 (1976) and 435 (1978).

8. With regard to the activities of foreign economic interests in Namibia, and the exploitation of the natural resources of that country, the Mission emphasized the importance of the cessation by companies owned by or under the direct control of the State of all dealings with respect to commercial or industrial enterprises or concessions in Namibia, and of all further investment activities including concessions in Namibia, in accordance with Security Council resolutions 283 (1970) and 301 (1971). The French representatives maintained that these resolutions were not legally binding but they considered that they were acting in the spirit of these resolutions.

9. The Mission raised the question of the obligation of Member States of the United Nations to delete from any bilateral or multilateral treaties to which South Africa is a party, provisions applying these treaties to the Territory of Namibia, in accordance with Security Council resolution 283 (1970). The French representatives took note of this question.

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10. The Mission declared that South Africa had also ignored the decisions of the General Assembly and the Security Council regarding the preservation of the territorial integrity of Namibia and had taken steps to separate Walvis Bay from Namibia. In this regard, the French representatives recalled Security Council resolution 432 (1978).

11. The Mission stated that South Africa had in addition unilaterally proclaimed new limits for the territorial sea of Namibia and had established a coastal economic zone in order to intensify its exploitation of the natural resources of the Territory. The French representatives reiterated their view that such action was clearly illegal.

12. The Mission expressed its appreciation for the assistance of the French Government to the Namibian people by means of substantial contributions to the United Nations Institute for Namibia.

13. The Mission expressed its thanks to the French representatives for the welcome extended to it and stated its appreciation for their support of the efforts aimed at achieving genuine independence for the Namibian people.

APPENDIX IV

Statement issued by the Mission in London on 30 April 1980

1. With the agreement of the Government of the United Kingdom, a Mission of Consultation of the United Nations Council for Namibia visited the United Kingdom from 28 to 30 April 1980. The Mission was led by the Permanent Representative of India to the United Nations and included representatives of Yugoslavia and Zambia, a representative of SWAPO and a member of the United Nations Secretariat.
2. The Mission held two sessions of substantive discussions with a delegation headed by Sir Leonard Allinson, Assistant Under-Secretary with responsibility for Africa, at the Foreign and Commonwealth Office.
3. The Mission discussed measures and initiatives to obtain the withdrawal of the illegal South African administration from Namibia, in compliance with United Nations resolutions on Namibia. The Mission pointed out that South Africa, in its refusal to comply with the resolutions of the United Nations on the question of Namibia, was continuing to entrench the practice of apartheid and to divide the Territory into homelands for the African population and enclaves for the European supporters of apartheid with the purpose of consolidating its exploitation of the people and resources of the Territory. The United Kingdom delegation reiterated, as in the past, that the South African presence in Namibia was unlawful and should be withdrawn.
4. The Mission emphasized that South Africa, in spite of the stance taken by the United Nations, continues to pursue policies of aggression against the Namibian people as well as against neighbouring countries and to expand its military installations in Namibia. The United Kingdom delegation expressed its concern over these developments and reiterated its support of the Security Council resolutions condemning South Africa's attacks on neighbouring African countries.
5. With regard to the plan for a peaceful settlement of the Namibian question approved by the Security Council, the Mission emphasized that the duplicity of South Africa was reflected in the continuous acts of its illegal administration in Namibia in defiance of the resolutions of the Security Council. These acts had systematically undermined the measures of the proposed settlement plan, the object of which was to provide for the genuine independence of Namibia by means of free elections under the supervision and control of the United Nations. The Mission pointed out that four years had passed since the adoption of Security Council resolution 385 (1976) and almost two years since the adoption of resolution 435 (1978). The United Kingdom delegation reiterated its unreserved support of these resolutions and its resolve to pursue the efforts aimed at the implementation of these resolutions. It stressed, however, that putting too much pressure upon South Africa at present might be counter-productive, in the light of the need to allow adequate time to the South African Government for it to assess the settlement in Zimbabwe. In that respect the United Kingdom delegation

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mentioned the visit of Dr. G. Viljoen to the United Kingdom and the talks which he had held with the United Kingdom Foreign Secretary in which the Foreign Secretary stressed the need for an early and positive reply to the United Nations Secretary-General on the demilitarized zone.

6. The Mission observed that the concern of the United Nations with the delay in the implementation of Security Council resolutions 385 (1976) and 435 (1978) had led the General Assembly to determine in its resolution 33/206 that South Africa had acted deceitfully through unilateral measures and sinister schemes within Namibia during the protracted period of talks for a negotiated settlement on Namibia to the detriment of the Namibian people and their national liberation movement, SWAPO. The General Assembly had also condemned South Africa for its arrogant and defiant actions in imposing on the Namibian people a so-called "internal settlement" through a fraudulent and illegal "National Assembly" designed to achieve international recognition for its puppets. The United Kingdom delegation recalled that it had not supported such decisions by the General Assembly. The Mission expressed its conviction that the efforts of South Africa to impose an "internal settlement" of the question of Namibia can be effectively prevented if all United Nations Member States refrain from according any recognition to or co-operating with any régime which the illegal South Africa administration may impose upon the Namibian people in disregard of the provisions of Security Council resolutions 385 (1976) and 435 (1978). The Mission stressed that the granting of powers to this so-called "Assembly" was in violation of these Security Council resolutions and that the original plan envisaged the convening of a constituent assembly after elections supervised and controlled by the United Nations. The United Kingdom delegation expressed the view that it was an inevitable feature of negotiations that the parties continue to implement their publicly expressed position until an agreement is reached. In that connexion, the United Kingdom delegation observed that South Africa was continuing with its plans as a preparation for the possible failure of the United Nations plan. The United Kingdom delegation regretted these actions. The United Kingdom delegation stressed that it was working for genuine independence for Namibia. It has been and continues to be its position not to recognize undemocratic settlements and, in the case of Namibia, the United Kingdom would not accept a solution which was imposed. The United Kingdom delegation declined to express a view on possible further measures of pressure upon South Africa in the event of the failure of the plan.

7. The Mission stated that one of South Africa's principal aims in Namibia was to undermine the position of the South West Africa People's Organization (SWAPO), sole and authentic representative of the Namibian people and that, according to published reports, South Africa had expressed the intention of intensifying its efforts to undermine the role of SWAPO in the current negotiations and in the future of Namibia.

8. With regard to the activities of foreign economic interests in Namibia, and the exploitation of the natural resources of that country, the Mission emphasized the importance of the cessation by companies owned by or under the direct control of any State of all dealings with respect to commercial or industrial enterprises or

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concessions in Namibia, in accordance with Security Council resolutions 283 (1970) and 301 (1971). The United Kingdom delegation expressed the view that it regarded those resolutions as not binding and as not imposing any obligation upon the United Kingdom Government to prevent economic dealings with South Africa in respect of Namibia.

9. The Mission raised the question of the obligation of Member States of the United Nations to delete from any bilateral or multilateral treaties to which South Africa is a party, provisions applying these treaties to the Territory of Namibia, in accordance with Security Council resolution 283 (1970). The United Kingdom delegation took note of this matter.

10. The Mission declared that South Africa had also ignored the decisions of the General Assembly and the Security Council regarding the preservation of the territorial integrity of Namibia and had taken steps to separate Walvis Bay from Namibia. In this regard, the United Kingdom delegation stressed that its position remained unchanged. In its view, this was a matter to be negotiated between South Africa and an elected Government of Namibia.

11. The Mission stated that South Africa had in addition unilaterally proclaimed new limits for the territorial sea of Namibia and a coastal economic zone in order to intensify its exploitation of the natural resources of the Territory. The United Kingdom delegation stressed that South Africa had no right to take such action or any action which would affect the international status of Namibia.

12. In response to a question raised by the Mission concerning the position of the United Kingdom Government regarding the advisory opinion of the International Court of Justice of 21 June 1971, the United Kingdom delegation reiterated that the United Kingdom did not accept this advisory opinion in full.

13. The Mission raised with the United Kingdom delegation the question of the need for contributions by the United Kingdom Government to the three United Nations funds for Namibia. The United Kingdom delegation recalled that the United Kingdom is providing technical assistance to the United Nations Institute for Namibia in Lusaka. The Mission expressed appreciation for this but reiterated its request for contributions to the three United Nations funds.

14. The Mission expressed its thanks to the United Kingdom delegation for the welcome extended to it.
