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SECURITY COUNCIL
Thirty-fifth year

Letter dated 9 July 1980 from the Acting President of the
United Nations Council for Namibia addressed 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 United States of America and Canada which visited those countries from 11 to 17 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 the Council for Namibia to the United States and Canada be circulated as an official document of the General Assembly, under item 27 of the provisional agenda and of the Security Council.

(Signed) Brajesh Chandra MISHRA
Acting President of the
United Nations Council for Namibia

* A/35/150.

ANNEX

Report of the Mission of Consultation of the United Nations Council
for Namibia to the United States of America and Canada

(11 to 17 May 1980)

Chairman: Mr. Miljan Komatina (Yugoslavia)

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I. INTRODUCTION

1. In its report to the General Assembly at its thirty-fourth session, ^{a/} the United Nations Council for Namibia, in putting forward its programme of work for the year 1980, included, *inter alia*, the proposal to send a mission of consultation to North America. The Council's report and work programme was approved by the Assembly in its resolution 34/92 of 12 December 1979. The Council discussed this proposal with the Governments of the United States of America and Canada and it was agreed that the Mission to North America should hold consultations in the United States of America and Canada in May 1980.

2. The Mission to the United States of America and Canada was composed of the following members:

- Mr. Miljan Komatina (Yugoslavia), Chairman
- Mr. Gaspard Tovo Atangana (United Republic of Cameroon)
- Mr. Ian L. James (Australia)
- Mr. Mohammad Ali Syed Shah (Bangladesh)
- Mr. Petre Vlasceanu (Romania)
- Mr. Theo-Ben Gurirab (South West Africa People's Organization)

Mr. John F. Robson of the United Nations Secretariat accompanied the Mission as Principal Secretary and Ms. Margaret Logun accompanied the Mission as Secretary.

3. The Mission visited the United States of America from 11 to 14 May 1980 and Canada from 14 to 17 May 1980.

4. The Mission took as the basis for its discussions the need to secure the implementation of United Nations decisions on Namibia and the compliance of South Africa with resolutions of the General Assembly and the Security Council including Assembly resolutions 2145 (XXI) of 27 October 1966 and 2248 (S-V) of 19 May 1967, and Council resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978.

5. The Mission stressed the danger of prolonged delay in the implementation of the United Nations plan laid down by Security Council resolutions 385 (1976) and 435 (1978) and stated that it was clear that South Africa was employing dilatory tactics and imposing unilateral measures. The Mission emphasized the need to exert pressure on South Africa to induce it to comply with the terms of the United Nations plan laid down by Security Council resolutions 385 (1976) and 435 (1978).

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

6. The detailed position put forward by the Mission is contained in an aide-mémoire which was approved by the Steering Committee of the United Nations Council for Namibia at its 104th meeting, held on 28 March 1980.

II. CONSULTATIONS AND MEETINGS IN THE UNITED STATES OF AMERICA

7. The Mission visited the United States of America from 11 to 14 May 1980.

A. Meeting with the Acting Assistant Secretary for International Organizations Affairs and the Director of the Office of United Nations Political Affairs

8. The Mission held discussions with Mr. Michael Newlin, Acting Assistant Secretary for International Organizations Affairs, Mr. Peter Bridges, Director of the Office of United Nations Political Affairs, and with a delegation of officials of the State Department.

9. The Mission reviewed with the United States delegation the activities and responsibilities of the United Nations Council for Namibia.

10. In the course of these meetings, the Chairman of the Mission observed that South Africa was still pursuing its policies of repression of the Namibian people, coupled with attacks on neighbouring countries. Clearly, Canada, France, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which had been the authors of the United Nations plan, had a special responsibility in ensuring its implementation. The Namibia problem was ripe for a solution: the liberation movement was ready to negotiate and willing to participate in elections supervised and controlled by the United Nations; a plan had been accepted by the United Nations and the only obstacle to the implementation of this plan was the South African régime upon whom it was expected that the authors of the plan would exert appropriate pressure. However, it appeared that the authors of the plan might be suffering a reduction of activity and a loss of dynamism which appeared to have lasted for some time. Progress towards the implementation of the United Nations plan had been lacking. There was even talk of giving adequate time to South Africa to reassess the whole situation following the settlement which had taken place in Zimbabwe.

11. The United States delegation stated that its Government, along with the other members of the Group of Five, continued to give a high priority to the problem of Namibia and to maintain its efforts towards achieving a solution. If South Africa did not make any movement forward, it would be necessary to ascertain what should be done next and, in such a situation, the United States of America would not be averse to having recourse to the Security Council. Furthermore, one result of the negotiations on the implementation of the United Nations plan, particularly since

the receipt of the latest letter from South Africa, had been to narrow the issues down to a very small area. The point was approaching where South Africa would either have to accept the plan or be exposed as unwilling to implement it.

12. The Mission observed that there was a danger of serious delay in the implementation of the United Nations plan and it was the clear impression of the Mission that South Africa was employing dilatory tactics. Statements were made in South Africa to the effect that what happened in Zimbabwe should never be allowed to happen in Namibia. Those statements appeared to indicate that South Africa had no political will to implement the United Nations plan. The question then arose as to how long one could discuss things with South Africa, taking into account the fact that these were not negotiations in the normal sense of the word.

13. The Mission further observed that at the present time there appeared to be two possibilities which could be followed in Namibia: the first was to continue negotiations while allowing South Africa to continue to impose unilateral measures on Namibia; the second was to take a position of strength which would include the elements of sanctions, non-recognition of any internal settlement, and full recognition of the United Nations Council for Namibia. For its part, the South West Africa People's Organization (SWAPO), while continuing the armed struggle, had pronounced itself ready to participate in free elections supervised and controlled by the United Nations.

14. The Mission observed that, contrary to what had sometimes been maintained, there was in fact no contradiction between the position of SWAPO as the sole and authentic representative of the Namibian people, as determined by the General Assembly, and the willingness of SWAPO to take part in the elections foreseen by the Security Council plan. It was the feeling in the United Nations that such elections would confirm SWAPO's position as the sole and authentic representative of the Namibian people.

15. The United States delegation observed that the United States Government hoped that South Africa would come to realize that a settlement was in its own best interests. In explaining its grounds for hope, the United States delegation stated that a settlement of the Namibia question would not create any security risk to South Africa and might improve South Africa's position in Africa and in the world as a whole. The United States delegation further observed that the fact that South Africa's analysis of the situation in Zimbabwe had proved to be wrong had led to a certain rethinking in Pretoria. This process had been assisted by the policies pursued by the new Government in Zimbabwe, which the United States of America considered to be moderate. In fact, there were certain indications that South Africa had come to the conclusion that time was no longer on its side.

16. In response to questions raised by the United States delegation, the Mission explained the reasons for the recognition by the United Nations Council for Namibia and the United Nations of SWAPO as the sole and authentic representative of the Namibian people, having in mind that SWAPO was the only force implementing United Nations decisions on self-determination and independence for Namibia. The

United States delegation stated that while it did not recognize SWAPO as the sole and authentic representative of the Namibian people, there was no doubt as to the very important role played by SWAPO in Namibia.

17. The United States delegation responded to a number of questions raised by the Mission.

18. The United States delegation confirmed its acceptance of the advisory opinion of the International Court of Justice of 21 June 1971 in which the Court confirmed the illegal nature of the South African presence in Namibia. b/

19. The United States delegation and the Mission noted with concern that South Africa, while engaged in negotiations for the implementation of the United Nations plan, was at the same time continuing its preparations for a so-called internal settlement. The Mission noted with appreciation the commitment of the United States of America not to recognize any so-called internal settlement in Namibia.

20. The United States delegation stated that the United States Government had disassociated itself from the conversion of the United Nations Ad Hoc Committee for South West Africa into the United Nations Council for Namibia and that this legal position had not changed. However, the United States Government did recognize the authority of the United Nations over Namibia and the legitimate interest of the United Nations Council for Namibia in the question of Namibia. The United States Government also recognized the travel documents of the United Nations Council for Namibia.

21. The Mission urged the United States delegation to support initiatives of the Council aimed at acquiring full membership for Namibia, represented by the United Nations Council for Namibia, in international organizations and conferences. The United States delegation took note of this matter.

22. The Mission emphasized the importance of compliance by all States with Security Council resolutions 283 (1970) of 29 July 1970 and 301 (1971) of 20 October 1971, with particular reference to the activities of foreign corporations in Namibia and the elements of those resolutions relating to the non-applicability to Namibia of bilateral and multilateral treaties involving South Africa and other States. The United States delegation reiterated its support for those resolutions and called attention to its continuing policy of discouraging investment by United States corporations in Namibia. The United States delegation observed that it considered certain dispositions of those resolutions to be not binding as a result of the use of the "requests". In considering the binding quality of Security Council resolutions, it was necessary to consider the language used in each particular case.

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.

23. The United States delegation stated that it wished to avoid prolonged negotiations with regard to the implementation of the United Nations plan for Namibia. The United States delegation reaffirmed its full and absolute commitment to the United Nations plan for Namibia laid down in Security Council resolutions 385 (1976) and 435 (1978) and declared that it was making every effort to secure the implementation of this plan without delay.

24. The United States delegation shared concern regarding the dangers posed by South Africa's use of Namibia as a base from which to launch acts of aggression against neighbouring countries. The United States delegation stated that the United States Government had made direct representations to South Africa on this matter.

25. The United States delegation added that all acts of the South African administration in Namibia were illegal, including the attempts by South Africa to extend the territorial waters and economic zone off the coast of Namibia. The United States Government did not recognize such activities.

26. The Mission emphasized the need to secure the territorial integrity of Namibia as a unitary State. The United States delegation reaffirmed its support of the relevant Security Council resolution 432 (1978) of 27 July 1978.

27. Although a letter dated 12 May 1980 addressed to the Secretary-General of the United Nations by South Africa was not the subject of consultations, the United States delegation stated that it observed some encouraging elements which would give ground for further discussions. These discussions would include members of the Group of Five, SWAPO and the front-line States.

28. The Mission expressed its appreciation for the substantial contributions made by the United States Government to the United Nations Institute for Namibia in Lusaka.

29. The United States delegation declared that the Government, the Congress and the people of the United States of America supported the struggle of the Namibian people for the independence of their country and stated that they considered the United Nations plan to be the only plan for Namibia for the foreseeable future.

B. Meeting with the Assistant Secretary of State for Africa

30. Following the working meetings, the Mission had discussions with Mr. Richard Moose, Assistant Secretary of State for Africa.

31. Responding to the welcome of the Assistant Secretary of State, the Chairman of the Mission reviewed the situation in Namibia, explaining the dual role of the United Nations Council for Namibia as a policy-making organ of the United Nations and as the legal Administering Authority for Namibia. He urged the United States of America to prevent South Africa's delaying tactics, observing that South Africa

had stated that it would never accept a Zimbabwe-type solution in Namibia, and adding that reports had been received from some countries that the implementation of the United Nations plan might still require a considerable amount of time to allow South Africa to assess what had taken place in Zimbabwe.

32. The Assistant Secretary of State observed that the successful settlement in Zimbabwe and the high degree of acceptance of the result were the outcome of a long and patient effort and showed the desirability of an internationally agreed-upon process. It was now much more difficult for South Africa to take the route of internal settlement and it was clear that independence for Namibia in accordance with the United Nations plan would take place. He hoped that implementation of the plan would begin by the end of 1980. The United States Government had made Namibia an important part of its foreign policy and remained fully committed to a settlement.

33. The Chairman of the Mission observed that pressure on South Africa was still imperative. South Africa's illegal occupation of Namibia was still continuing and during this occupation unilateral measures taken by South Africa were accumulating. It was the impression of the Mission that pressure to prevent this was lacking. It had been four years since the adoption of Security Council resolution 385 (1976) which provided for elections for Namibia under the supervision and control of the United Nations. The Mission observed that, as time went by, the conditions for free and fair elections in Namibia were being undermined by South African policies.

34. The Assistant Secretary of State observed that what was happening was an irreversible process towards a settlement in Namibia and that the creation of this process was a very serious undertaking on the part of his Government which, he felt, was being successful.

35. In response to a question raised by the Mission the Assistant Secretary observed that the removal of tax relief granted to United States corporations in Namibia in respect of taxes paid to the South African administration in Namibia would require action by the United States Congress. The Mission also discussed with the Assistant Secretary the question of bilateral and multilateral treaties involving the United States and South Africa in which South Africa claimed to have adhered to these treaties on behalf of Namibia. The Assistant Secretary stated that this matter would be given further study.

36. In conclusion, the Assistant Secretary of State said that the withdrawal of South Africa from Namibia was in fact inevitable and his Government intended to press this process forward.

C. Meeting with a member of the Foreign Relations
Committee of the United States Senate

37. The Mission met with Senator Paul E. Tsongas of Massachusetts, a member of the Foreign Relations Committee of the United States Senate, and his staff.

38. The Mission outlined the position and goals of the United Nations Council for Namibia and discussed with the Senator some of the points which had been raised in the meetings at the State Department. The Senator expressed his support for the cause of the independence of the Namibian people and indicated his willingness to be briefed in more detail at a future date by a delegation of the United Nations Council for Namibia. He stated that he intended to make a statement from the floor of the Senate.

D. Meeting with non-governmental organizations

39. The Mission made use of its visit to the United States of America to hold a meeting at the United Nations Information Centre in Washington with representatives of the following non-governmental organizations:

Washington Office on Africa
Transafrica
African Bibliographic Centre
Amnesty International
United Nations Association of the United States of America
World Federalist Association
American Friends Service Committee

40. The Mission explained to these organizations the work of the United Nations Council for Namibia and the purpose of the visit to Washington. The representatives of the various organizations outlined to the Mission their own activities.

E. Press conference and radio broadcast

41. While in Washington, the Mission conducted a press conference and the Chairman of the Mission gave a radio broadcast. The press conference was attended by representatives of the following news organizations:

Associated Press
National Public Radio
Africa Business and Economic Review
Pacifica
Government Research Corporation - National Journal
Lutheran Council in the United States of America

F. Issuance of a communiqué

42. At the conclusion of its visit to the United States of America, the Mission issued in Washington a communiqué, the text of which is to be found in appendix I of the present report.

III. CONSULTATIONS AND MEETINGS IN CANADA

43. The Mission visited Canada from 14 to 17 May 1980. It was received at Ottawa airport by officials of the United Nations Political and Institutional Affairs Division of the Department of External Affairs.

44. In the course of the consultations, The Mission was received by Mr. Mark MacGuigan, Secretary of State for External Affairs.

A. Working meetings at the Department of External Affairs

45. The Mission held discussions with Mr. J. A. Couvrette, Assistant Under-Secretary of State for External Affairs, Mr. Paul A. Lapointe, Director-General of the United Nations Bureau of the Department of External Affairs, and with a delegation from the Department of External Affairs. The Mission put forward the position of the United Nations Council for Namibia, as contained in an aide-mémoire approved by the Steering Committee of the Council at its 104th meeting, held on 28 March 1980.

46. Responding to the welcome of the Director-General, the Chairman of the Mission observed that the Mission expected the Canadian Government to play an active role in the implementation of the United Nations plan for Namibia, since it was one of the authors of the plan submitted to the Security Council by the Group of Five Western members of this body, which was later transformed into a United Nations plan approved by the Security Council. In recent times the United Nations Council for Namibia had observed a reduction in the dynamism of the movement towards a real solution to the problem and there was now a grave danger of a creeping internal settlement imposed unilaterally upon Namibia by South Africa. There was even, the Chairman observed, a regrettable tendency in certain countries to consider that an indefinite period of time should be granted to South Africa.

47. The Director-General observed that, as a member of the Security Council, Canada had joined the movement to attempt to solve the Namibia problem. Nevertheless, there appeared to be a possibility of breaking through the existing stalemate and, in the light of this, the Canadian Government, while supporting the United Nations position that the presence of South Africa in Namibia was illegal and should be removed, had agreed to put aside temporarily these legal aspects and to seek a solution. Since that time, progress had been made to the extent that not much technical difference separated the parties and a solution appeared to be at hand. However, South Africa had not yet taken the necessary steps to go ahead with the United Nations plan.

48. The Mission observed that what was required was not just legalistic measures, but real political and economic pressure to be exerted on South Africa. For its part, SWAPO had already agreed to participate in elections supervised and

controlled by the United Nations. The danger at the present time was that while the path of negotiations was being followed, South Africa was continuing to impose unilateral measures and, in the words of the General Assembly, to organize "sinister schemes" in Namibia. The outcome of this could well be that one day the international community would suddenly realize that nothing was left of the United Nations position in Namibia and that conditions had been established which would make free elections impossible.

49. What was important at the present time, the Mission continued, was for the authors of the United Nations plan not merely to refrain from recognizing these unilateral measures, but to take the further step of actually preventing them. It was necessary for the Group of Five and the international community as a whole to create a situation in which South Africa could not continue with its own attempts to impose an internal settlement.

50. The Canadian delegation remarked that in 1977, when South Africa had been about to declare an internal settlement, the Group of Five had indeed prevented it. In fact, an important step forward in the situation was that South Africa had now finally accepted the principle of an international settlement in Namibia under the supervision and control of the United Nations. However, there was still the question of the existence of other political groups in Namibia and, it added, the form of their participation should be considered.

51. Responding to this latter point, the Mission stated that it was recognized in Namibia that a liberation war was taking place. The essence of the situation was that the Namibian people were fighting to rid their country of an illegal occupier. The only conflict in Namibia was between the Namibian people, striving for liberation, and South Africa. It was also clear that the organization fighting this war of liberation against South Africa was SWAPO.

52. The Mission further observed that at the present time there appeared to be two possibilities which could be followed in Namibia: the first was to continue negotiations while allowing South Africa to continue to impose unilateral measures on Namibia; and the second was to take a position of strength which would include the elements of sanctions, non-recognition of any internal settlement, and full recognition of the United Nations Council for Namibia. For its part, SWAPO, while continuing the armed struggle, had pronounced itself ready to participate in free elections supervised and controlled by the United Nations.

53. The Canadian delegation stated that the Canadian Government had made it clear to South Africa that it would, under no circumstances, recognize any settlement imposed unilaterally by South Africa in Namibia. The Canadian delegation also observed that it had been conveyed to the South African Government that any such settlement would be illegal.

54. The Canadian delegation stated that while there were indeed some elements in South Africa which would perhaps never see any need for change, on the whole there was a feeling in South Africa that something similar to what had happened in Zimbabwe was inevitable for Namibia. It was important to note that South Africa

had in fact accepted the principle of United Nations elections, the release of political prisoners and most of the elements of Security Council resolution 385 (1976). Furthermore, developments in Zimbabwe had shown that the type of solution that South Africa might have hoped to achieve in Zimbabwe was not feasible either there or in Namibia.

55. Furthermore, the Canadian delegation continued, there were many continuing pressures on South Africa including the armed struggle, actions by the United Nations, the arms embargo and, at the bilateral level, a cooling of relations between Canada and South Africa. The Canadian delegation continued to hold South Africa responsible for the situation in Namibia and did not recognize the so-called National Assembly as having any existence which might be independent of the South African administration.

56. The Mission observed that if pressure were not applied effectively, the delaying tactics by South Africa would continue and might even create a situation of fait accompli. The Canadian delegation observed that if the United Nations plan failed, the Canadian Government would consider other measures foreseen in the Charter of the United Nations.

57. The Canadian delegation observed that its Government was prepared to exert pressure on South Africa regarding the implementation of the United Nations plan and rejected completely any kind of internal settlement in Namibia. They had made a démarche to South Africa indicating that such activities were not only illegal but also unhelpful.

58. The Canadian delegation responded to a number of questions raised by the Mission. The Canadian delegation observed that it had abstained in the vote on General Assembly resolution 2248 (S-V) of 19 May 1967 establishing the United Nations Council for Namibia, and that it did not recognize Decree No. 1 for the Protection of the Natural Resources of Namibia, c/ promulgated by the Council.

59. The Canadian delegation reaffirmed its recognition of the authority of the United Nations over Namibia and accepted the advisory opinion of the International Court of Justice of 21 June 1971. The Canadian Government also recognized the travel documents of the United Nations Council for Namibia.

60. With regard to the question of the exploitation of the natural resources of Namibia, dealt with in Security Council resolutions 283 (1970) and 301 (1971), the Canadian delegation considered that these resolutions had been adopted under Chapter VI of the Charter. Nevertheless, the Canadian Government was conforming to them, particularly with regard to diplomatic and consular relations.

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

On 28 July 1971 the Canadian Government had sent a note to South Africa informing it that relations with South Africa did not extend to Namibia. Furthermore, the double-taxation agreement concluded in 1956 between Canada and South Africa specifically did not apply to Namibia. However, in response to further questions raised by the Mission, the Canadian delegation stated that the Canadian Government did allow Canadian corporations operating in Namibia to deduct as a business expense taxes paid to the South African administration.

61. 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 consolidating its exploitation of the Namibian people and the natural resources of their Territory. The Canadian delegation reiterated that the South African presence in Namibia was illegal and that all acts emanating from the South African administration in Namibia were devoid of legal validity.

62. The Canadian delegation stated that it had no dealings with South Africa on nuclear questions except through the International Atomic Energy Agency. It was the hope of the Canadian Government that South Africa would adhere to the Treaty on the Non-Proliferation of Nuclear Weapons d/ and that appropriate safeguards would be established.

63. The Mission urged the Canadian delegation to support initiatives of the Council aimed at acquiring full membership for Namibia, represented by the United Nations Council for Namibia, in international organizations and conferences. The Canadian delegation took note of this matter.

64. 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 Canadian delegation stated that these actions, like other actions taken by the South African administration in Namibia, were illegal.

65. With regard to the position of SWAPO, the Canadian delegation reaffirmed the important role that SWAPO was playing in the negotiations leading to the independence of Namibia and noted with appreciation that SWAPO was willing to participate in elections supervised and controlled by the United Nations.

66. Responding to the question of Walvis Bay which was raised by the Mission, the Canadian delegation 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.

67. Although a letter dated 12 May 1980 addressed to the United Nations Secretary-General by South Africa was not the subject of consultations, the Canadian delegation stated that it observed some encouraging elements which would give

d/ General Assembly resolution 2373 (XXII), annex.

ground for further discussions which would include members of the Group of Five, SWAPO and the front-line States.

68. The Mission conveyed its thanks to the Canadian delegation for the substantial contributions made by the Canadian Government to the United Nations Institute for Namibia in Lusaka.

69. In conclusion, the Canadian delegation reaffirmed its full commitment to the United Nations plan for Namibia laid down in the Security Council resolutions and declared that it would make every effort to secure the implementation of this plan without delay. This plan, the Canadian delegation continued, was the only road for Namibia for the foreseeable future.

B. Meeting with the Secretary of State for External Affairs

70. After the working meetings, the Mission was received by Mr. Mark MacGuigan, Secretary of State for External Affairs.

71. The Chairman of the Mission restated the views of the Council and emphasized the dangers of a creeping internal settlement which might be imposed upon Namibia by South Africa. He urged the Canadian Government to take steps to prevent South Africa from employing delaying tactics which could lead to a kind of fraudulent decolonization.

72. The Secretary of State declared that the Canadian Government saw the need to prevent any delay in the implementation of the United Nations plan. If indeed there was going to be a peaceful settlement of the Namibia question, it appeared that the time for such a settlement was at hand. The Canadian Government was deploying all necessary measures in an attempt to achieve a peaceful settlement and was concerned that, while there might be normal delays in the implementation of the United Nations plan, there should not be any evasions.

73. The Chairman of the Mission responded that all elements appeared to be ripe for a settlement of the Namibia question except the appropriate political decision by South Africa. The liberation movement in Namibia was taking a responsible and constructive position and what was needed was further pressure on South Africa by the authors of the settlement plan.

74. The Mission also explained to the Secretary of State the danger of the campaign set in motion by South Africa in an attempt to give status to certain political groups in Namibia and to thwart the United Nations plan by leading, *de facto*, through the accumulation of faits accomplis, to a fraudulent internal settlement in Namibia. It was essential that implementation of the United Nations plan be accelerated and that free and fair elections take place immediately.

75. The Secretary of State stated that he recognized the problem and that Canada would not recognize any such manoeuvres.

76. Responding to a question by the Secretary of State as to whether elections conducted by the United Nations in Namibia could indeed be free and fair, the Mission replied that at the present time this was possible.

77. The Secretary of State expressed appreciation for the work of the United Nations Council for Namibia.

C. Meeting with non-governmental organizations

78. The Mission made use of the opportunity afforded by its visit to Canada to hold a meeting with non-governmental organizations in the course of which it explained the position and goals of the United Nations Council for Namibia, sought the support of these organizations and received information on the activities in support of Namibia being conducted by these organizations. The meeting was attended by representatives of the following organizations:

United Nations Association of Canada
Inter Pares
Canadian Universities Service Overseas
Carleton University
International Defense and Aid Fund
United Church of Canada
Canadian Labour Congress
Oxford Committee of Famine Relief
Development and Peace
Ottawa Committee for South Africa

D. Press conference

79. The mission gave a press conference at the National Press Centre in Ottawa. Representatives of domestic and international services of the Canadian Broadcasting Corporation were present, as well as representatives from the Winnipeg Free Press and Reuters. Later, the Chairman of the Mission gave a radio broadcast on the French Service of the Canadian Broadcasting Corporation.

E. Issuance of a communiqué

80. At the conclusion of its consultations with the Government of Canada, the Mission issued a communiqué, the text of which is to be found in appendix II of the present report.

IV. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

81. The Mission considers that it was important at this time to send a mission of consultation to the United States of America and Canada in order to emphasize the importance and priority of the problem of Namibia and the need for implementation of the United Nations plan, to establish the position of two Governments which were among the authors of the Security Council plan for a settlement of the Namibia question, and to exchange views with these two Governments. The Mission also notes that while the United States of America had participated as an observer in the extraordinary plenary meetings of the United Nations Council for Namibia, held at Lusaka in 1978, this was the first occasion on which formal consultations between the United Nations Council for Namibia and the United States Government had been held. The Mission also considers that the timing of the Mission was appropriate.

82. The Mission considers that the inclusion among the members of the Mission of the Permanent Observer of SWAPO to the United Nations reflected the importance which the United Nations gives to SWAPO as the sole and authentic representative of the Namibian people, and that this provided a valuable occasion for the views of the Namibian people to be conveyed to the two Governments visited.

83. There were apparent differences between the position expressed by the Mission and the positions of the two Governments concerning the assessment of the present situation in Namibia, the need to act decisively with the aim to ensure the implementation of the United Nations plan, and the measures to be taken in that respect. The perceptions of the two Governments regarding the time to be allowed South Africa to implement the United Nations plan differed from the perception of the Mission.

84. The Mission expressed to the two Governments visited that the policy of South Africa of pursuing delaying tactics, while at the same time attempting to impose unilateral measures in Namibia, would eventually create conditions that could prevent the holding of elections supervised and controlled by the United Nations.

85. However, the Mission noted some encouraging stands taken by the two Governments.

86. The Mission noted that while both Governments visited did not recognize the United Nations Council for Namibia as the legal Administering Authority for Namibia, they nevertheless engaged in extensive consultations with the Mission and stated that they recognized the authority of the United Nations over Namibia. Both Governments also expressed their recognition of the travel documents issued by the United Nations Council for Namibia.

87. The Mission expressed concern to both Governments regarding the dangers posed by South Africa's use of Namibia as a base from which to launch acts of aggression against neighbouring countries. The United States Government stated that it had made direct representation to South Africa on this matter. The Canadian Government shared the concern of the Council over the dangers posed by the deterioration of the situation in Namibia.

88. Both Governments visited reaffirmed their full commitment to the United Nations plan for Namibia laid down by Security Council resolutions and declared that they would make every effort to secure implementation of this plan.

89. Both Governments noted with concern that South Africa, while holding discussions with the United Nations regarding implementation of the United Nations plan, was at the same time continuing preparations apparently related to a unilateral internal settlement. The United States Government expressed its commitment not to recognize any so-called internal settlement in Namibia. The Canadian Government stated that it would under no circumstances recognize any settlement imposed unilaterally by South Africa in Namibia.

90. Both Governments visited reaffirmed their acceptance of the advisory opinion of the International Court of Justice of 21 June 1971 and declared that the acts of South Africa in Namibia were illegal.

91. The Mission emphasized to both Governments the need to secure the territorial integrity of Namibia as a unitary State. Both Governments visited reaffirmed their support of Security Council resolution 432 (1978).

92. Both Governments visited stated that they did not recognize the attempts of South Africa to extend the limits of the territorial sea and the economic zone off the coast of Namibia.

93. Both Governments recognized the important role played by SWAPO in Namibia.

94. The Mission was unable to determine what pressures the two Governments would exert on South Africa to ensure compliance with the United Nations plan or what measures they would be ready to take if the United Nations plan were not implemented.

95. With regard to bilateral and multilateral treaties in which South Africa might claim to represent Namibia, the Canadian Government stated that it would not recognize such treaties as applying to Namibia. The United States Government stated that this matter required further study.

B. Recommendations

96. As a result of its visits to the United States of America and Canada, the Mission wishes to place before the United Nations Council for Namibia the following recommendations.

97. The Mission notes that the United States of America and Canada stated that they recognized the general authority of the United Nations over Namibia but did not recognize the United Nations Council for Namibia as the Legal Administering Authority for Namibia until independence. Efforts should be intensified to ensure the recognition of the Council which is the expression of United Nations authority over Namibia.

98. The Mission recommends that the United Nations Council for Namibia should study the question of applying selective sanctions against South Africa.

99. The Mission discussed with both Governments visited the question of bilateral and multilateral treaties in which South Africa might claim to represent Namibia. The Mission wishes to suggest that the Council might wish to follow up this matter with the two Governments visited and seek the urgent completion of the studies which it has requested on this matter.

100. The Mission notes that, while the two Governments visited stated that in their countries private corporations are not subject to governmental control, nevertheless these corporations continue to enjoy certain benefits which can be granted only by the State, particularly in the realm of relief with regard to taxes paid by these corporations to the illegal South African administration in Namibia. The Mission wishes to suggest that the Council give further study to this question.

101. The Mission notes that, while there is a great need to protect the natural resources of Namibia, Decree No. 1 of the United Nations Council for Namibia was not recognized by the two countries visited. The Mission wishes to suggest that the Council give further study to the question of strengthening the legal basis of its actions to protect the natural resources of Namibia, possibly by placing those actions in the framework of decisions of the Security Council and the International Court of Justice.

102. The Mission notes that a member of the Foreign Relations Committee of the United States Senate expressed willingness to receive a more detailed briefing on the situation in Namibia from a delegation of the United Nations Council for Namibia. The Mission wishes to recommend that the Council should consider establishing contact with the foreign relations committees of the legislative bodies in various countries.

103. The Mission noted that valuable work in support of the cause of Namibia and significant attempts to influence public opinion and governmental policy were being carried out by certain non-governmental organizations. The Mission wishes to suggest to the Council that contacts with non-governmental organizations should, where appropriate, be strengthened.

104. The Mission recommends that contacts with Governments should be continued in order to secure the rapid implementation of United Nations resolution on Namibia.

V. ACKNOWLEDGEMENTS

105. The Mission would like to take this opportunity to extend its thanks to the Governments of the United States of America and Canada for the opportunity afforded to the Mission for a thorough exchange of views on the question of Namibia.

VI. ADOPTION OF THE REPORT

106. The present report was adopted at a meeting of members of the Mission held at United Nations Headquarters on 16 June 1980.

APPENDIX I

Communiqué issued by the Mission of Consultation of the United Nations Council for Namibia in Washington on 14 May 1980

1. With the agreement of the Government of the United States of America, a Mission of the United Nations Council for Namibia visited Washington from 13 to 14 May 1980 to meet with officials of the State Department. The Mission of Consultation was led by the Permanent Representative of Yugoslavia to the United Nations and included the representatives of Australia, Bangladesh, Romania and the United Republic of Cameroon, the Permanent Observer of the South West Africa People's Organization (SWAPO) to the United Nations, and a member of the United Nations Secretariat.
2. The mission was received by Mr. Richard Moose, Assistant Secretary of State for Africa, and also held discussions with Mr. Michael H. Newlin, Acting Assistant Secretary for International Organizations Affairs, Mr. Peter Bridges, Director of the Office of United Nations Political Affairs, and other officials of the State Department.
3. The Mission and the United States delegation considered the present situation in Namibia and exchanged views on ways and means of implementing relevant United Nations resolutions on Namibia, in particular Security Council resolutions 385 (1976) and 435 (1978), in order to expedite the attainment of genuine independence for Namibia. The Mission expressed its appreciation for the consultations held in Washington between a delegation of the United Nations Council for Namibia and the United States Government.
4. The United States delegation reaffirmed its recognition of the authority of the United Nations over Namibia. The Mission noted the interest of the United States in the activities of the Council and expressed appreciation for the fact that United States representatives had participated as observers in the most recent extraordinary plenary meetings of the United Nations Council for Namibia which had been held at Lusaka, Zambia, in 1978.
5. The United States delegation emphasized the high priority which the United States continued to attribute to a settlement of the Namibia question.
6. The Mission drew attention to the deterioration of the situation in Namibia and the threat posed by the militarization of Namibia by South Africa, coupled with the exploitation of its uranium reserves for the development of a nuclear capability by South Africa. Concerns were expressed regarding the dangers posed by South Africa's use of Namibia as a base from which to launch acts of aggression against neighbouring countries. The Mission expressed appreciation of the fact that the United States Government had made direct representations to South Africa on this matter.

7. The Mission expressed grave concern that as a result of South Africa's dilatory tactics, Security Council resolutions 385 (1976) and 435 (1978) had not yet been implemented. The United States delegation reaffirmed its full and absolute commitment to the United Nations plan for Namibia laid down in Security Council resolutions 385 (1976) and 435 (1978) and declared that it was making every effort to secure the implementation of this plan without delay.
8. The United States delegation and the Mission wished to avoid prolonged negotiations with regard to the implementation of the United Nations plan.
9. The United States delegation and the Mission noted with concern that South Africa, while engaged in negotiations for the implementation of the United Nations plan, was at the same time continuing its preparations for a so-called internal settlement. The Mission noted with appreciation the commitment of the United States not to recognize any so-called internal settlement in Namibia.
10. In answer to the Mission's question, the United States delegation confirmed its acceptance of the advisory opinion of the International Court of Justice of 21 June 1971.
11. The Mission emphasized the need to secure the territorial integrity of Namibia as a unitary State. The United States delegation reaffirmed its support of the relevant Security Council resolution, No. 432 (1978).
12. The Mission emphasized the importance of compliance by all States with Security Council resolutions 283 (1970) and 301 (1971), with particular reference to the activities of foreign corporations in Namibia and the elements of those resolutions relating to the non-applicability to Namibia of bilateral and multilateral treaties involving South Africa and other States.
13. The Mission expressed its appreciation for the assistance of the United States Government to the Namibian people, for example, its substantial contributions to the United Nations Institute for Namibia.
14. The United States delegation declared that the Government, the Congress and the people of the United States supported the struggle of the Namibian people for the independence of their country. The Mission expressed its thanks for the opportunity to discuss the question of Namibia with officials of the United States Government and its appreciation for their support of the efforts aimed at achieving genuine independence for the Namibian people.

APPENDIX II

Communiqué issued by the Mission of Consultation of the United Nations Council for Namibia in Ottawa on 16 May 1980

1. With the agreement of the Government of Canada, a Mission of the United Nations Council for Namibia visited Ottawa from 14 to 16 May for consultations with Canadian officials. The Mission of Consultation was led by the Permanent Representative of Yugoslavia to the United Nations, and was composed of the representatives of Australia, Bangladesh, Romania and the United Republic of Cameroon, the Permanent Observer of the South West Africa People's Organization (SWAPO) to the United Nations, and a member of the United Nations Secretariat.
2. The Mission was received by Mr. Mark MacGuigan, Secretary of State for External Affairs, met with Mr. J.A. Couvrette, Assistant Under-Secretary of State for External Affairs, and held extensive consultations with Mr. Paul A. Lapointe, Director-General of the United Nations Bureau of the Department of External Affairs, and with other officials of the Canadian Government.
3. The Mission and the Canadian delegation considered the present situation in Namibia and exchanged views on ways and means of implementing relevant United Nations resolutions on Namibia in order to expedite the attainment of independence of Namibia. The Canadian Delegation reaffirmed its recognition of the authority of the United Nations over Namibia and its stand for genuine independence of Namibia. The Mission noted the interest of Canada in the activities of the United Nations Council for Namibia, whose goals it shared, and expressed its appreciation for the support of Canada for the Namibian people, and in particular for its assistance by means of substantial contributions to the United Nations Institute for Namibia.
4. The two delegations discussed actions to obtain the withdrawal of the illegal South African administration from Namibia, in compliance with relevant 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 consolidating its exploitation of the Namibian people and the natural resources of their territory. The Canadian delegation reiterated that the South African presence in Namibia was illegal and that all acts emanating from the South African administration in Namibia were devoid of legal validity.
5. The Mission and the Canadian delegation shared concern over the danger posed by deterioration of the situation in Namibia. The Mission emphasized the dangers posed by continued militarization of the Territory by South Africa, coupled with the exploitation of Namibian uranium for the development of a nuclear capability by South Africa.
6. The Mission expressed grave concern that as a result of South Africa's dilatory tactics, Security Council resolutions 335 (1976) and 435 (1978) had not yet been implemented. The Canadian delegation reaffirmed its full commitment to

the United Nations plan for Namibia laid down in the Security Council resolutions and declared that it would make every effort to secure the implementation of this plan without delay.

7. The two sides noted with concern that South Africa, while continuing to express its attachment to the United Nations plan, was at the same time adopting measures better suited to a unilateral internal settlement. These measures were inconsistent with 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 felt that all necessary clarifications of the United Nations plan had already been provided to South Africa. The Mission also noted with appreciation the position of the Canadian Government that it would, under no circumstances, recognize any settlement imposed unilaterally by South Africa. The Canadian delegation observed that it had been conveyed to the South African Government that any such settlement would be illegal.

8. In this connexion, both sides exchanged views on measures that could be taken to bring about speedy implementation of the plan provided for in Security Council resolutions 385 (1976) and 435 (1978).

9. The Mission emphasized the support given in the United Nations to SWAPO in its efforts to obtain the genuine independence of Namibia and observed that SWAPO was recognized by the United Nations General Assembly as the sole and authentic representative of the Namibian people. The Canadian delegation reaffirmed the important role that SWAPO played in the negotiations leading to the independence of Namibia and noted with appreciation that SWAPO was willing to participate in elections supervised and controlled by the United Nations.

10. The Mission noted with concern that South Africa had 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. The Canadian delegation 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.

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 Canadian delegation stated that these actions, like other actions taken by the South African administration in Namibia, were illegal.

12. The Mission expressed its thanks for the reception accorded to it by the Canadian Government, for the warm welcome extended to it and for the opportunity to hold a fruitful exchange of views, and expressed its appreciation for Canada's support of the efforts aimed at achieving genuine independence for the Namibian people.