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GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
Forty-first year

Letter dated 6 June 1986 from the Chairman of the Special Committee
against Apartheid addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the declaration adopted by the Seminar on Oil Embargo against South Africa, held at Oslo from 4 to 6 June 1986.

The Seminar was organized by the Special Committee against Apartheid in co-operation with the Government of Norway.

I should be grateful if this letter, together with the annexed declaration, were issued as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) J. N. GARBA
Chairman
Special Committee against Apartheid

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ANNEX

Declaration adopted at Oslo on 6 June 1986 by the Seminar on
Oil Embargo against South Africa

1. The Seminar on Oil Embargo against South Africa, organized by the Special Committee against Apartheid in co-operation with the Government of Norway, was held at Oslo from 4 to 6 June 1986. Participants were representatives of Member States, including some oil-exporting, shipping and front-line States; United Nations bodies and specialized agencies; intergovernmental organizations and national liberation movements.
2. The Seminar took place in the context of a deteriorating situation in southern Africa characterized by the increased use of force and violence by the apartheid régime against the peoples of South Africa and Namibia and against neighbouring States. To an unprecedented resistance in South Africa, the régime has responded with military might and police violence, thereby carrying on an undeclared war against the South African and Namibian people.
3. The Seminar salutes the courageous people of South Africa and Namibia who have withstood the intense repression by the forces of the apartheid régime and have indeed advanced the struggle for the elimination of apartheid and for genuine peace in South Africa and the region as a whole.
4. The Seminar was held in the wake of the attack by the Pretoria régime against the sovereignty, independence and territorial integrity of Botswana, Zambia and Zimbabwe as well as a renewed invasion of southern Angola by the South African Defence Forces. These bellicose acts against front-line and neighbouring States were further evidence that the apartheid régime constitutes a serious threat to international peace and security.
5. The Seminar considered that:
 - (a) The profound economic and political crisis faced by the régime as a result of the courageous resistance of the South African and Namibian people has revealed the vulnerability of the Pretoria régime to effective international action;
 - (b) The international community has a duty to exhaust all means available consistent with the United Nations Charter to promote the necessary and speedy transition to majority rule in South Africa. It, therefore, agreed that comprehensive and mandatory sanctions under Chapter VII of the Charter are necessary in order to exert maximum international pressure on South Africa;
 - (c) Oil has always been a commodity of utmost strategic importance to the apartheid régime, being a crucial factor in its terror and repression meted out to the peoples of Namibia and South Africa, its illegal occupation of Namibia, and its acts of aggression against the front-line and neighbouring States;

(d) A total oil embargo on South Africa is the most important component of international action against South Africa, given the régime's inability to meet its oil needs from domestic sources;

(e) The resolutions and decisions adopted by the General Assembly and regional and intergovernmental organizations constitute an appropriate framework for the present voluntary oil embargo against South Africa. In that connection, the Seminar commended those Governments that have imposed an oil embargo or adopted comparable policies and have taken measures to implement their decision, taking note of, in particular, (a) the decision of the Summit Conference of Arab States at Algiers in 1973 and resolution 26/5 adopted by the Council of Ministers of the Organization of Arab Petroleum Exporting Countries on 5 May 1981; (b) those measures adopted on 10 September 1985 by the Foreign Ministers from the ten member States of the European Community and future members Spain and Portugal; (c) the Nordic Programme of Action against South Africa, adopted at Oslo on 17 and 18 October 1985 and (d) the Commonwealth Accord on Southern Africa adopted at the meeting of Heads of Government of Commonwealth States at Nassau from 16 to 22 October 1985.

6. The Seminar examined in depth the various components of the oil embargo and recognized that the shortcomings and loopholes inherent in the present voluntary oil embargo have allowed South Africa to obtain oil. It warned, though, that the existence of a world oil excess production and the consequent fall in oil prices have reduced the régime's economic burden in the purchase of oil.

7. The Seminar recognized that the violations of the present oil embargo have been facilitated by:

(a) The fact that the oil embargo is not mandatory;

(b) The fact that action to that effect has been prevented by the veto in the Security Council;

(c) The fact that many States have not adopted the oil embargo;

(d) The complicity of transnational corporations, particularly oil and shipping companies, as well as oil traders.

8. The Seminar stressed that an effective oil embargo should include the following: preventing the sale, supply and transport of crude oil and petroleum products to South Africa; the prohibition of all assistance to apartheid South Africa through the provision of finance, technology, equipment or personnel for the prospecting, development or production of hydrocarbon resources; the construction or operation of oil-from-coal plants or the development and operation of plants producing fuel substitutes and additives such as ethanol and methanol; the prohibition of the participation of corporations and individuals within their jurisdiction in the oil industry in South Africa, including exploration, storage, refining, transport and distribution; the prohibition of the importation of oil-from-coal technology from South Africa; the prohibition of the import of oil or petroleum products and petrochemicals from South Africa; the prevention of the efforts of South African corporate interests to maintain or expand their holdings in oil companies or properties outside South Africa; the imposition of penal sanctions against all violators of the embargo.

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9. The success of the oil embargo and/or comparable policies against South Africa depends not only on the measures undertaken by the international community but also on the initiatives by private and voluntary organizations and trade unions. Such initiatives should be encouraged and effectively supported particularly at this juncture of increased pressure inside and outside South Africa.

10. The Seminar considered that the international oil companies that maintain refineries, subsidiaries or other kinds of economic or commercial presence in South Africa contribute to the maintenance of the policy of apartheid. It calls on all international oil companies to urgently discontinue all investments and any kind of co-operation with South Africa, and invites them to present a plan of action for the rapid disengagement of all their activities in South Africa.

11. The Seminar draws attention to the illegal prospecting for oil off the coast of Namibia carried out by the racist régime because it is contrary to Decree No. 1 for the Protection of the Natural Resources of Namibia enacted by the Council for Namibia on 27 September 1974. All States are therefore requested to withhold co-operation from the racist régime in the exploitation of this and other natural resources of Namibia's territory.

12. The Seminar noted that the transnational corporations involved in the petroleum industry in South Africa are required to comply with the régime's legislation, including the Key Points Act, which inevitably involves them directly in the repression of the South African and Namibian people, and calls on such companies to withdraw from South Africa and Namibia.

13. The Seminar is deeply concerned about the serious situation facing the member States of the Southern African Development and Co-ordination Conference (SADCC) as a result of South Africa's policy of destabilization in the region. It urges all countries to assist the SADCC member States in their efforts to make their economies and energy supplies independent of South Africa, thereby enabling them to meet any possible side-effect of the oil embargo against South Africa.

14. The Seminar, in the light of the above, affirmed the urgent need for the Security Council to adopt a mandatory oil embargo under Chapter VII of the Charter, in accordance with resolution 34/93 F adopted by the General Assembly on 12 December 1979, as well as subsequent resolutions on the subject. It recommends that members of the Security Council, in consultation with oil-producing and oil-shipping States, co-ordinate action in ensuring that effective action at the level of the Security Council is taken as soon as possible.

15. Pending a mandatory decision by the Security Council, the Seminar proposed that in order to ensure the effective implementation of the present oil embargo against South Africa, all States should take action to:

(a) Co-ordinate the application of the international and national measures on the matter;

(b) Develop new measures in order to broaden its scope;

(c) Establish a mechanism to monitor its operation.

16. All States are urged to adopt effective legislative and other measures in order to strengthen the oil embargo, and the Seminar recommends the following programme of action containing general measures that it urges all States to adopt and implement as speedily as possible:

(a) To compel the companies originally selling or purchasing oil or petroleum products, as appropriate for each nation, from selling, re-selling or otherwise transferring oil and petroleum products to South Africa and Namibia;

(b) As appropriate for each nation, to establish strict control over the supply of oil and petroleum products to South Africa and Namibia by intermediaries, small companies and merchants by placing responsibility for the fulfilment of the contract on the first buyer or seller of oil and petroleum products who would, therefore, be liable for the actions of these parties;

(c) To prevent South Africa's access to other sources of energy, including technical know-how and financial assistance;

(d) To prohibit all assistance to apartheid South Africa through the provision of finance, technology, equipment or personnel for the prospecting, development or production of hydrocarbon resources, the construction or operation of oil-from-coal plants or the development and operation of plants producing fuel substitutes and additives such as ethanol and methanol;

(e) To prevent South African corporations from maintaining or expanding their holdings in oil companies or properties outside South Africa.

17. In addition, all States are urged to adopt effective measures and/or legislation in order to strengthen the oil embargo. The objective of these measures should be:

(a) To terminate the transport of oil to South Africa by ships under their flags, or by ships that are ultimately owned, managed or chartered by their nationals/companies within their jurisdiction;

(b) As the first step towards the establishment of an international monitoring mechanism, to develop a system of registration of ships, registered or owned by their nationals that have unloaded oil in South Africa in contravention of embargoes imposed.

18. For the strict enforcement of the oil embargo, the Seminar invites Member States that have not yet done so seriously to consider the following specific measures:

(a) Specify that no oil and petroleum products be sold to any subsidiaries, their controlling companies, or their agents, when it is established that:

(i) Oil owned by the company in question has been on tankers transporting oil to South Africa or Namibia;

(ii) The company in question has violated destination restrictions in oil sale contracts;

(b) Prohibit tankers that sail under their flags, or are ultimately owned, managed or chartered by their or other nationals, from transporting oil to South Africa and Namibia;

(c) Penalize tankers and/or their owners, managers or charterers upon violations of the legislation;

(d) Prohibit shipping companies from using "flags of convenience" in violation of the oil embargo;

(e) Prohibit any vessel from loading or unloading oil in their national territory or from calling there for supplies if during the previous 12 months the vessel has transported oil to South Africa and Namibia;

(f) Require the inspection of the log book of each incoming tanker to assist in the enforcement of the legislation.

19. All States are urged to adopt legislative and other measures requiring that companies and State corporations to which they sell oil prevent that oil from going directly or indirectly to South Africa and Namibia; to achieve that purpose the legislation should specify that companies:

(a) Obtain a "discharge certificate" from the authorities of the country to which each consignment of oil is destined confirming that the oil was indeed delivered there;

(b) Send this "discharge certificate" promptly back to the authorities of the oil-exporting countries for suitable examination;

(c) In the event of resale of the oil, require of the purchasers that they too obtain and transmit a "discharge certificate" as in (a) above.

20. All States are urged to take all possible penal action against companies and individuals that have been involved in violating the oil embargo, by, inter alia:

(a) Imposing fines and/or other judicial penalties against the companies violating the embargo;

(b) Refusing to sell oil to such companies;

(c) Refusing to allow the loading, unloading or provision of supplies to any tankers owned, managed or chartered by those companies;

(d) Withdrawing registration facilities from tankers owned by those companies;

(e) Revoking licences and concessions.

Monitoring

21. In order to monitor the compliance with the oil embargo, and/or comparable policies, a joint intergovernmental monitoring mechanism needs to be established under the auspices of the United Nations. Such an intergovernmental monitoring mechanism would:

(a) As a priority, develop efficient techniques to monitor the enforcement of the oil embargo;

(b) Co-operate with, inter alia, Governments, intergovernmental agencies, trade unions, research institutions and anti-apartheid groups in the systematic reporting of the violations of the oil embargo;

(c) Prepare periodic reports for submission to the General Assembly on the actions undertaken to enforce the embargo;

(d) Co-ordinate and exchange information between the competent authorities of oil-producing, oil-exporting, shipping and other States on measures taken against violations of the embargo.

22. Oil-producing, oil-exporting, shipping and other States are urged to gather and disseminate information regarding violations of the embargo; the co-operation of these States is needed to halt the supply of oil and petroleum products to South Africa.
