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NOTE VERBALE DATED 5 APRIL 1978 FROM THE PERMANENT REPRESENTATIVE  
OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Austria to the United Nations presents his compliments to the Secretary-General of the United Nations and, in reply to the Secretary-General's note of 10 November 1977 (PO 230 SOAF) concerning Security Council resolution 418 (1977), has the honour to state the following on behalf of his Government:

The Federal Government of Austria has carefully considered the Secretary-General's note of 10 November 1977 which referred to the request addressed to the Secretary-General in paragraph 6 of Security Council resolution 418 (1977) to report to the Security Council not later than 1 May 1978 on measures taken by Governments in accordance with the provisions of the resolution.

The Federal Government wishes to state the following:

The theory and practice of apartheid and racial discrimination, in whichever form they exist have consistently been denounced by Austria. The records of the United Nations show that Austria has acted in support of the endeavours of the Organization to put an end to these practices. Accordingly, Austria has complied on a voluntary basis, with the non-mandatory arms embargo against South Africa adopted by the Security Council as early as 1963 (Security Council resolution 181 (1963)) and the subsequent Security Council resolutions reconfirming that embargo, i.e. resolutions 191 (1964), 282 (1970) and 311 (1972). It is therefore only natural that Austria welcomes Security Council resolution 418 (1977). Austria takes note of the Security Council's dictum that the acquisition by South Africa of arms and related matériel constitutes a threat to the maintenance of international peace and security. Consequently, the competent Austrian authorities do not authorize arms exports to South Africa. Existing legislation, in particular the Federal Law on Import, Export or Transit of Military Matériel of 18 October 1977 (Federal Law Gazette No. 540), which entered into force on 1 January 1978, provides that any import, export or transit of military equipment and matériel (as specified in the Federal Government's Ordinance of 22 November 1977, also in force since 1 January 1978), (Federal Law Gazette No. 624) is subject to specific permission by the Federal authorities. The Federal Government wishes to assure the Secretary-General that no such permission will be granted for the export or transit to South Africa of any military matériel, as specified in the ordinance mentioned. (As a matter of record, no such permissions have been granted for South Africa in the past.)

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It follows from the foregoing that the Federal Government implements the mandatory arms embargo imposed by the Security Council against South Africa.

The implementation of mandatory sanctions adopted by the competent organs of the United Nations has specific implications for a permanently neutral state. Therefore, the Federal Government wishes to refer to and reiterate the considerations of principle relating to the international status of Austria as a permanently neutral country set forth in the Austrian reply to the Secretary-General's note of 17 December 1966 concerning mandatory sanctions in the case of Southern Rhodesia.

Measures to implement Security Council resolution 418 (1977) are being taken without prejudice to the question of principle, whether Austria as a permanently neutral State Member of the United Nations is automatically bound by decisions of the Security Council regarding mandatory sanctions - a question which in the opinion of the Federal Government can only be decided in each single case on the basis of the specific situation and with due regard to the obligations which result on the one hand from Austria's membership in the United Nations and on the other from its permanent neutrality, of which all States Members of the United Nations had previously been notified. (See also document S/7795 of 28 February 1967 and the annex to the Secretary-General's report S/7781/Add.2 of 9 March 1967.)

The Permanent Representative of Austria to the United Nations requests the Secretary-General kindly to have this note distributed as a Security Council document.

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