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SPECIAL REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED IN  
PURSUANCE OF RESOLUTION 253 (1968) CONCERNING THE QUESTION OF  
SOUTHERN RHODESIA ON THE EXPANSION OF SANCTIONS AGAINST  
SOUTHERN RHODESIA

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION . . . . .	1 - 3	2
I. CONSIDERATION OF PROPOSALS BY THE COMMITTEE . . . . .	4 - 10	3
II. OBSERVATIONS . . . . .	11 - 12	4
III. RECOMMENDATION . . . . .	13	5
ANNEX. SUMMARY OF DISCUSSION		

## INTRODUCTION

1. When, at the 228th meeting on 13 February 1975, the Committee began consideration of its programme of work for the year, the Chairman underlined the importance of the current developments in southern Africa, including, in particular, the decolonization process that was taking place in the Territories under Portuguese Administration. The representative of the Union of Soviet Socialist Republics fully agreed with the Chairman that the Committee's work had special significance in the light of the accession to independence of the Territories under Portuguese Administration, which had opened up new possibilities for the peoples still under colonial domination. He emphasized the need to ensure that the Committee was able to make a contribution to the cause of the struggle against the racist régime of Southern Rhodesia in discharging its wider mandate, which was designed to achieve freedom and independence for the people of Zimbabwe. In addition to the measures designed to ensure compliance with the sanctions imposed by the Security Council and to put a stop to all cases of overt or covert violations, he proposed that the Committee, in accordance with the spirit and the letter of resolution 253 (1968) and other resolutions of the Security Council, should concentrate on key questions, including the expansion of sanctions against Southern Rhodesia and their extension to South Africa.
2. The Committee, deploring that 10 years after the unilateral declaration of independence the illegal minority régime was still in power despite the sanctions established by the Security Council, considered that the changing situation in southern Africa, particularly the intensified struggle of the people of Zimbabwe for national liberation, was opening up new possibilities for bringing an end to the illegal régime in Southern Rhodesia. All the delegations felt that in such circumstances the time had come for the Security Council to demonstrate once again the international community's opposition to, and willingness to increase pressure on, the illegal régime. Many delegations considered that the Committee, which had an important supportive role, should recommend rapidly and with determination that the Security Council expand the scope of mandatory sanctions against Southern Rhodesia. Other delegations expressed the view, however, that the means for applying additional pressure on the Southern Rhodesian régime already existed and that the Committee's efforts should be concentrated on improving the enforcement of the existing sanctions rather than on widening their scope. At its 229th meeting on 13 March 1975, the Committee decided to include in its programme of work the item proposed by the representative of the Union of Soviet Socialist Republics regarding the expansion of sanctions against Southern Rhodesia.
3. The Committee started consideration of the question on 15 May 1975 and continued its deliberations thereon throughout 12 meetings (S/AC.15/SR.237-238, 243-244, 248-249 and 253-258). The present report was adopted on 15 December 1975.

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I. CONSIDERATION OF PROPOSALS BY THE COMMITTEE

4. At the 237th meeting on 15 May 1975, the representative of the United Republic of Tanzania proposed that the Committee should recommend that the Security Council expand the scope of mandatory sanctions, so that Article 41 of the Charter was applied in its entirety.
5. At the 238th meeting of the Committee on 22 May 1975, the Committee agreed in principle to the expansion of sanctions. The Chairman therefore proposed that attention should be directed to the question of means and effectiveness. In the course of subsequent discussion, specific measures were proposed by the delegations of the United Republic of Tanzania (243rd meeting), Sweden (244th meeting) and Iraq (249th meeting) as follows.
6. Proposals by the United Republic of Tanzania. The representative of Tanzania stated that although his Government would have preferred the expansion of sanctions and the application of all the measures provided for in Article 41, his delegation was prepared, in a spirit of compromise, to explore with other members areas in which agreement could be reached. He proposed, in particular, the expansion of sanctions with regard to communications, trade names and franchises and insurance.
7. Proposal by Sweden. The representative of Sweden expressed his Government's view that the granting of landing rights for flights, the route schedules of which included airports in Southern Rhodesia, should be considered as covered by the provisions of the two Security Council resolutions dealing with air traffic to and from Southern Rhodesia. His Government believed that it could be deduced a fortiori from paragraph 6 of Security Council resolution 253 (1968) that the provision in an interline agreement for a direct call at Salisbury was a violation of sanctions. Given the divergent interpretations of the relevant paragraphs of the Security Council resolutions on the subject, he held that the Committee should formulate a recommendation to the Security Council that would make such activities illegal in the future. Accordingly, he proposed that the Committee recommend that the Security Council take a decision to request Member States to deny landing rights in their respective territories to flights, the route schedules of which included stopovers in Southern Rhodesia for the purpose of loading or unloading passengers and/or goods to and from Southern Rhodesia.
8. Proposals by Iraq. The representative of Iraq made two additional proposals. The first was to the effect that the Committee should recommend that the Security Council request Member States having consular services or posts in southern Africa not to renew or issue passports to their nationals whom they believed to be residing in Southern Rhodesia except in extreme or special circumstances. The second proposal would have the Security Council request Member States, first, to enact legislation to make it illegal for their citizens to travel to Southern Rhodesia for any purpose (for example, by stamping passports as not valid for travel to Southern Rhodesia) and, second, to institute legal action against persons travelling to or returning from Southern Rhodesia.
9. During its deliberations, the Committee received working papers prepared by the Secretariat on various aspects of the question of expansion of sanctions,

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including, in particular, a study on the definition of the terms "trade names" and "commercial franchises" that had been prepared by the expert consultant. 1/

10. After detailed discussion of the proposals submitted to it, the Committee achieved consensus on the recommendation included in section III below. That recommendation was accepted by all the delegations. It was not possible to reach agreement on the other measures proposed in the Committee. Consequently, it was agreed that the summary of discussion in the annex to the present report would reflect areas of agreement and disagreement, as well as statements of position by various members of the Committee on those matters.

## II. OBSERVATIONS

11. In the light of the discussion reflected in the annex to the present report, the Committee agreed unanimously that the sanctions against Southern Rhodesia should be expanded. The Committee achieved unanimity in respect of some areas of expansion of sanctions. These are reflected in section III.

12. There were, however, other proposals, on which, although there was broad support, the Committee could not reach unanimity. Among them were the following:

(a) The proposal to recommend that the Security Council decide to request Member States to deny landing rights in their respective territories to flights, the route schedule of which included stopovers in Southern Rhodesia for the purpose of loading or unloading passengers and/or goods to and from Southern Rhodesia, which was supported by 11 delegations;

(b) The proposal that the Security Council should decide to expand sanctions to include communications, that is, complete or partial interruption of rail, sea, air, postal, telegraphic, radio and other means of communication, which was supported by 10 delegations;

(c) The proposal that the Committee should recommend that the Security Council decide to request Member States which have consular services or posts in southern Africa not to renew or issue passports to their nationals whom they believe to be residing in Southern Rhodesia, except in extreme or special circumstances, which was supported by nine delegations;

(d) The proposal that the Committee should recommend that the Security Council decide to request Member States, first, to enact legislation to make it illegal for their citizens to travel to Southern Rhodesia for any purpose, for example, by stamping passports as not valid for travel to Southern Rhodesia, and, second, to institute legal action against persons travelling to and returning from Southern Rhodesia, which was also supported by nine delegations;

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1/ For the purpose of this report, the study submitted by the expert consultant was made utilizing the expert's knowledge and competence in the field of international trade and economic questions.

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(e) The proposal that Article 41 of the Charter should be applied in its entirety, which was supported by 10 delegations;

(f) The proposal to extend sanctions to include South Africa, which was supported by eight delegations.

### III. RECOMMENDATION

13. The Committee, while bearing in mind the reservations expressed by some delegations as summarized in the annex to the present report, decided to recommend to the Security Council that insurance, 2/ trade names and franchises should be included within the scope of the mandatory sanctions against Southern Rhodesia.

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2/ Concerning insurance, the United Kingdom proposed the following recommendation, whereby the Security Council

"Decides that Member States shall take appropriate measures to ensure that their nationals and persons in their territories do not insure

"(a) Any commodities or products exported from Southern Rhodesia after the date of this resolution in contravention of Security Council resolution 253 (1968), which they know or have reasonable cause to believe to have been so exported;

"(b) Any commodities or products which they know or have reasonable cause to believe are destined or intended for importation into Southern Rhodesia after the date of this resolution in contravention of resolution 253 (1968);

"(c) Commodities, products or other property in Southern Rhodesia of any commercial, industrial or public utility undertaking in Southern Rhodesia."

The United States representative proposed that the words "related to the import or export or carriage or merchandise in contravention of United Nations sanctions" should be added at the end of subparagraph (c) of the draft text recommended by the United Kingdom.

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Annex

SUMMARY OF DISCUSSION

1. In the course of the discussion, some members of the Committee, in particular the Byelorussian Soviet Socialist Republic, China, Guyana, Iraq, Mauritania, the Union of Soviet Socialist Republics, the United Republic of Cameroon and the United Republic of Tanzania, advocated the extension of sanctions to South Africa, in view of the continuing practice of active support for Southern Rhodesia by that country and in view of its overt and constant refusal to implement sanctions against Southern Rhodesia and to co-operate in that matter with the Security Council. The same members, together with Costa Rica and Sweden, expressed support for any measure that might be adopted to expand sanctions against Southern Rhodesia in accordance with Article 41 of the Charter. Those delegations shared the view that the sanctions established by the Security Council in its resolutions 253 (1968) and 277 (1970) could only be considered partial and that it was timely and appropriate for the Committee to intensify and accelerate its efforts, with a view to recommending to the Security Council imposition of further measures with maximum effectiveness. They noted that the leaders of the African National Council had recently told the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples that they were prepared to make the necessary sacrifice that the expansion of sanctions would entail if it would bring about the results that they had desired for so long. The expansion of sanctions would have an important impact, and, if observed scrupulously by all countries, would help to achieve the purpose of ending the continued domination of Southern Rhodesia by the illegal minority régime. In that connexion, they felt also that the Committee should not be deterred from recommending an expansion of sanctions because of the possibility that such sanctions could be circumvented.

2. The same members were in favour of all of the proposed measures before the Committee, with the exception of Sweden, which could not agree on two of the points (see para. 9 below). Concerning the specific proposals, they believed that the imposition of sanctions on communications would have an important psychological impact on prospective immigrants to Southern Rhodesia, on the population within the Territory and on the national liberation movements. With regard to trade names and franchises, they felt that the Committee should agree in principle to recommend to the Security Council the expansion of sanctions to the areas in question without attempting to include definition of the terms involved. The representatives of Costa Rica and Sweden however, indicated that it was necessary to have a clear definition of trade names and franchises in order to allow each country to adjust its national legislation, thus making the sanctions in those fields compatible with the different legal and economic systems. On the question of insurance, they agreed that under most legal systems a contract, the subject of which was illegal, was void. However, that was not a sufficiently strong deterrent. Accordingly, it was essential that those who insured Southern Rhodesian risks should be subject to penal measures. Concerning air links and landing rights, they shared the view that any arrangement

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which permitted aircraft flying to or from Southern Rhodesia to land anywhere else was in contravention of existing sanctions; but, if the Committee held the view that such was not the case, then it should formulate a recommendation to the Security Council that would make such arrangements illegal in future. With reference to the proposal regarding passports, they pointed out that the first proposal submitted by Iraq was not intended to prevent the United Kingdom from exercising its legal responsibilities and issuing travel documents to the African inhabitants of Southern Rhodesia, which could be considered as falling within the category of extreme and special circumstances for which an exemption was provided in the proposal. As for the second proposal, they felt that the stamping of passports as not valid for travel to Southern Rhodesia would constitute a form of pressure on the Southern Rhodesian régime and have a deterrent effect, particularly if it was followed up by Government action against citizens violating that provision.

3. The representatives of the Byelorussian Soviet Socialist Republic and the Union of Soviet Socialist Republics stated that 10 years after the illegal usurpation of power in Zimbabwe by the racist minority régime, that régime was still in power and the people of Zimbabwe were being deprived of the right to freedom and independence and subjected to cruel oppression and repression. The situation in Southern Rhodesia gave rise to serious concern among all peace-loving and anti-colonial forces, above all, in the African countries. That concern had been reflected in the statements by many delegations and in the decisions of the Security Council and the General Assembly, and in the decisions of the Organization of African Unity and a number of other forums.

4. The Soviet Union and the Byelorussian SSR fully shared that concern, because the racist terror in Southern Rhodesia, where the repression of the people of Zimbabwe continued, was creating a threat to peace and security on the African continent. The majority of delegations of States Members of the United Nations had not only supported but were consistently implementing the decisions of the Security Council and the recommendations of the General Assembly with regard to the illegal régime in Southern Rhodesia, which made it incumbent on all States Members of the United Nations to comply strictly with the sanctions against the racist régime. The delegations of the Byelorussian SSR and the USSR, however, felt obliged to state, in all frankness, that the work of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia had shown quite clearly that the minority régime was continuing to maintain its position only thanks to the assistance which it received from outside, through the violation of the mandatory sanctions of the Security Council, and the members of the Committee had been obliged, as before, to deal daily with new cases of suspected or open violations of the provisions of Security Council resolutions.

5. The Security Council had repeatedly called upon States Members of the United Nations to sever all diplomatic, consular, trade, military and other relations with the illegal régime in Southern Rhodesia. Disregard of the appeals of the most important organs of the United Nations was inadmissible and merited the strongest condemnation. Expressing satisfaction with the Committee's decision regarding the need to expand sanctions against the illegal régime in Southern Rhodesia, the representatives of the Byelorussian SSR and the USSR had repeatedly emphasized that

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in essence the sanctions imposed by the Security Council in resolutions 253 (1968) and 277 (1970) amounted to selective, partial measures which could not, even if observed by all States, produce effective results. The delegations of the Byelorussian SSR and the USSR had therefore considered, and still considered, that it would be advisable for the Security Council to utilize all the sanctions provided for under Article 41 of the Charter, including the complete interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication. The delegations of the Byelorussian SSR and the USSR were prepared to support any measures in that direction.

6. The representatives of the Byelorussian SSR and the USSR also stated that the policy of protection and open support pursued by South Africa, which was the gateway through which, in direct violation of the decisions of the Security Council on sanctions, a vast stream of goods was reaching Southern Rhodesia and through which Southern Rhodesian goods were being exported, must be most strongly condemned, and effective measures must be taken to put a stop immediately to such violations in the future. The delegations of the Byelorussian SSR and the USSR were in favour not only of the expansion of sanctions against the illegal régime in Southern Rhodesia in accordance with Article 41 of the Charter but also of the extension of sanctions to the most persistent violator of the mandatory decisions of the Security Council - South Africa.

7. The representatives of the Byelorussian SSR and the USSR stated that in the decisions of various organs of the United Nations, the ruling racist minority régime had been outlawed, and the Security Council had repeatedly declared that the people of Zimbabwe should be granted their inalienable right to freedom and independence in accordance with the Charter of the United Nations and General Assembly resolution 1514 (XV).

8. The Chinese delegation pointed out that the past year was a year in which the African people had won great victory in their struggle for national independence and liberation. Under the heavy blows of the African people, the five-century-old Portuguese colonial rule in Africa had disintegrated. The people in the non-independent regions of southern Africa were deepening their liberation struggle and mass movement. Defying brute force and overcoming numerous difficulties, the Zimbabwe people, with the support of the numerous African countries and peoples, had persevered in armed struggle and dealt telling blows at the Smith régime, thus landing the Vorster régime of South Africa and the Smith régime of Southern Rhodesia in unprecedented isolation. In order to maintain their tottering rule, they had put forward such deceptive schemes as "reconciliation", "dialogue" etc. Their purpose was none other than to split the African national liberation movement, eliminate the armed force of the Zimbabwe people and stamp out the flames of revolution in southern Africa. While talking profusely about "reconciliation", "dialogue" etc., the South African and Southern Rhodesian racist régimes were stepping up their arms expansion and ruthless repression of the Zimbabwe patriots. Their deeds over the recent period had further laid bare the fraudulent nature of their so-called "peace talks". Therefore, the national liberation movement of Zimbabwe could triumph only by intensifying the people's struggle, particularly armed struggle.

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9. The representative of Sweden stated that his delegation favoured the expansion of sanctions with regard to communications, trade names and franchises and insurance, as well as airlinks and the granting of landing rights. It shared the above-mentioned views on those matters but had difficulties regarding the two proposals put forward by the representative of Iraq. He indicated that refusal by Swedish authorities to issue or renew Swedish passports would contravene Sweden's principle of granting every Swedish citizen the passport to which he was entitled, and the stamping of Swedish passports as not valid for travel to certain areas of the world would contravene Sweden's principle of permitting its citizens to travel without restriction. He also noted that the Smith régime was likely to welcome persons seeking to enter Southern Rhodesia, whatever restriction might be stamped on their passports.

10. Among the Committee members who expressed reservations and/or objections with regard to some of the proposed measures, the representative of France stated that the various proposals had been carefully studied by his Government with a view to meeting, as far as possible, the concerns which had inspired them. Although the French Government shared those concerns in so far as they were designed to bring to an end the illegal Salisbury régime, the French authorities, nevertheless, had had to take account of the limits imposed by French national legislation. Consequently, some of the proposals were acceptable but others raised problems.

11. With regard to the proposed interruption of postal, telegraphic and radio communications within the meaning of Article 41 of the Charter, the French delegation tended to share the view that, besides the complex arrangements for surveillance which they would involve, the measures which might be taken in that regard would have little chance of being really effective, since the possibility of rerouting communications through neighbouring countries could not be excluded. Furthermore, the representative of France pointed out that such sanctions would infringe upon public freedoms within the meaning of article 34 of the French Constitution. The adoption of such measures was therefore a legislative matter involving the consent of Parliament. Accordingly, his delegation had no alternative but to reserve its position on that proposal.

12. With regard to an extension of sanctions to franchises and trade names, the French delegation was prepared to support recommendations to that effect. The text of any such recommendation, however, should be brought to the prior attention of the World Intellectual Property Organization (WIPO), with a view to verifying its compatibility with the Paris Convention for the Protection of Industrial Property, to which Southern Rhodesia had acceded in April 1965, prior to its unilateral declaration of independence. So as not to delay consideration of that question, the representative of France suggested that the text of any recommendation on the matter should be submitted to WIPO at the earliest opportunity.

13. Turning to the question of extending sanctions to include insurance of goods proceeding to or from Southern Rhodesia, the representative of France said that his Government considered that the annulment of insurance policies in that area was quite lawful, since it applied to prohibited transactions. Consequently, the French

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delegation was ready to support a recommendation which would confirm the order prohibiting insurance companies from concluding contracts covering Southern Rhodesian trade risks. In the case of passenger insurance, the representative of France noted that, in practice, it was difficult to prevent persons proceeding to South Africa from taking out insurance policies covering a given period, when they had not stated their exact itinerary.

14. With regard to prohibiting Member States from providing access to their territories to airlines having direct links with Southern Rhodesia or whose aircraft made stopovers in that Territory, the representative of France pointed out that no French company was involved. His Government considered that the sanctions imposed by paragraph 6 of Security Council resolution 253 (1968) should apply to airline companies constituted in the territories of Member States and to aircraft of their registration or under charter to their nationals. Accordingly, his Government had prohibited any such links and endeavoured to ensure that no tickets to Southern Rhodesia were issued. However, the question had arisen with regard to a stopover in Salisbury on the part of South African Airways. In his delegation's view, such a stopover was not a violation of sanctions as normally understood under Security Council resolution 277 (1970). His delegation was not questioning the value of that resolution, which it had supported, but felt that paragraph 9 (b) thereof did not apply in the case at hand. It felt that a stop in Salisbury was a technical necessity. It could not be regarded as "transportation to or from Southern Rhodesia", which implied a flight beginning or ending in Southern Rhodesia. In fact, the route also involved two other intermediate stops between Paris and Salisbury, namely, Las Palmas and Madrid. His delegation was aware that the Swedish proposal was designed to overcome the difficulties created by differing interpretations of Security Council resolutions 253 (1968) and 277 (1970) by making a recommendation which would constitute a new interpretation by the Committee. However, in the light of the technical reasons already stated, his delegation continued to doubt the value of such a proposal and therefore reserved its position. The representative of France noted that, in any event, the French Government prevented entry to its territory by bearers of Rhodesian passports.

15. Regarding the two proposals concerning passports, which had been formulated only belatedly, the representative of France noted that the proposal relating to the "vigilance" that should be exercised by consular representatives in southern Africa indirectly raised the problem of the investigation that they would be required to carry out vis-à-vis their nationals when issuing or renewing passports. There was some doubt as to the indispensability of the second proposal concerning the adoption of legislation prohibiting the citizens of the country concerned from travelling to Southern Rhodesia, since travel documents were valid only in those countries with which the bearer's country had diplomatic and consular relations, which was obviously not the case of France with regard to Southern Rhodesia. In view of the legal and possibly constitutional implications of those proposals, the French Government was not yet in a position to state its views and therefore wished to reserve its position.

16. The representative of Italy stated that his Government, after careful consideration, had agreed to the Tanzanian proposal that the Committee should

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recommend to the Security Council that the sanctions be expanded. The study undertaken by the Italian Government, he noted, had been necessitated by the consideration of the legal steps involved in implementing or expanding sanctions. He pointed out that in order to implement the provisions of resolution 253 (1968), the Italian Parliament had had to enact legislation prescribing two years' imprisonment for violators of sanctions. Inasmuch as the Tanzanian proposal would require the amendment of that legislation, his Government had considered the proposed measures very carefully in order to determine their compatibility with Italy's legal and commercial system, because the Government could not have joined in calling upon other countries to expand sanctions with regard to areas in which Italy itself might have problems.

17. Regarding the specific measures, the representative of Italy stated that his Government could agree to the extension of sanctions to trade names and franchises and to insurance. With regard to communications, he pointed out that his Government already prohibited the import or export of parcels to and from Southern Rhodesia. Although the latter was not a member of the Universal Postal Union, the Italian postal authorities did not feel that they could bar correspondence to and from Southern Rhodesia, inasmuch as the postal service was essentially one involving individuals rather than countries.

18. Referring to the measures proposed by Iraq, the representative of Italy noted that Italy did not recognize Southern Rhodesian travel documents and that Italian passports were not valid for travel to Southern Rhodesia.

19. The representative of Japan stated that Japan would support United Nations efforts to end the continued domination of Southern Rhodesia by the minority régime. He emphasized the need for all States to impose unremitting political and economic pressure on the Smith régime to obtain an early and just settlement. He felt that the Committee should consider how all States could be induced to comply fully with the relevant United Nations resolutions and strictly enforce the current sanctions against Southern Rhodesia in their entirety. In that connexion, he stated that Japan was prepared to consider tightening the existing sanctions system and to consider the proposals to expand sanctions.

20. Regarding the specific measures proposed, the representative of Japan stated that his delegation found it difficult to support the proposal concerning the severance of communications with Southern Rhodesia for a number of reasons. First, means of communication, including postal, telegraph and telephone services, constituted essential human needs and played a peaceful and humanitarian role, and their total severance would adversely affect the life of the people in the area. The maintenance of communication services also seemed to be indispensable for the political solution of the Southern Rhodesian question, which relied on the maintenance of dialogue. In the view of his delegation, total severance of communications would not help to create conditions more conducive to a positive settlement and, on the contrary, might hamper and delay an early solution of that question. Second, in order to implement the proposed severance of communications, Member States would be obliged to censor letters suspected of being in violation of

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sanctions. Such action would be contrary to the Constitution of Japan, thereby making it impossible for the Japanese Government to support the proposal.

21. With regard to franchises and trade names, the representative of Japan pointed out that grants of permission for their use normally coincided with investment in and export to Southern Rhodesia, and, therefore, they would be effectively prevented through the full and strict implementation of the existing sanctions against Southern Rhodesia. However, he stated that if such economic activities as the granting of trade names and franchises to companies in Southern Rhodesia existed, it was contrary to the spirit and the intent of Security Council resolution 253 (1968). Therefore, his delegation supported the expansion of sanctions to include trade names and franchises.

22. Concerning the insurance of cargo, the representative of Japan stated that the Government of Japan prohibited exports to and imports from Southern Rhodesia and that in Japan any insurance contract that covered illegal transactions, including shipments to and from Southern Rhodesia, was void. Consequently, in the view of his delegation, Japanese law already held void insurance coverage in Japan of merchandise shipped to and from Southern Rhodesia. In the light of those circumstances, his delegation supported the idea that insurance of cargo to and from Southern Rhodesia should be regulated by all Member States. In the case of Japan, he added, the insurance of cargo to and from Southern Rhodesia was already sufficiently regulated, and no further Government measures were necessary. Concerning the insurance of passengers, his delegation found difficulties in supporting the proposal to regulate the insurance of passengers proceeding to or from Southern Rhodesia, so long as travel to Southern Rhodesia was not prohibited by Security Council resolution 253 (1968).

23. With regard to the proposal by Sweden concerning airlinks and the granting of landing rights, the representative of Japan supported that proposal, because, in the view of his delegation, it would contribute to the substantial strengthening of the existing sanctions against Southern Rhodesia.

24. Regarding the proposals concerning passports, the representative of Japan stated that his Government found difficulties in restricting travel to Southern Rhodesia in the absence of a mandatory decision by the Security Council, as the Japanese Constitution guaranteed all persons freedom to move to foreign countries. However, he stated, if a new decision were taken by the Security Council concerning travel to Southern Rhodesia, his Government would consider taking certain measures within its competence to restrict the travel of Japanese nationals to Southern Rhodesia. At the same time, he wished to state Japan's understanding that, even if a new Security Council decision restricted travel to Southern Rhodesia, there would be some cases which were beyond Japan's effective control and that, in any case, humanitarian or especially needed travel to Southern Rhodesia would be exempted from that restriction.

25. The representative of the United Kingdom of Great Britain and Northern Ireland pointed out that some countries had more difficulty than others with regard to accepting an extension of sanctions, because they were the countries most involved in international trade, insurance and other such activities and therefore had more

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difficulties to overcome before reaching a decision on the matter. Concerning the specific proposals, he stated that his Government had the strongest objections to the institution of a ban on *communications*, which it took to mean postal, telephonic and telegraphic communications. Such a ban would require complex monitoring procedures, and his Government was not prepared to apply the censorship measures which would be required to make it successful. Anything but a truly effective ban would merely be a useless publicity device, which would undermine serious efforts to apply sanctions. Furthermore, those who suffered most from a ban on communications to and from Southern Rhodesia were the indigenous inhabitants of the Territory, since numerous health and educational facilities established for their benefit depended on communications with the sources outside Southern Rhodesia that funded them. In addition, the efforts under way to reach a peaceful settlement in Southern Rhodesia also depended on the ability of the African National Council to communicate with bodies in other countries. Though he understood and sympathized with the wish to exert psychological pressure on Southern Rhodesia, it would be difficult to enforce sanctions on communications, since it would be a simple matter to route them via third countries, such as Malawi or South Africa.

26. With regard to trade names and franchises, the representative of the United Kingdom stated that his delegation understood the proposal to mean that the use of trade names of foreign companies by companies operating in Southern Rhodesia and the granting of franchises from outside Southern Rhodesia to companies operating in Southern Rhodesia would be prohibited. The extension of sanctions to that area by his Government would require the preparation of new legislation, and it would be necessary to have a definition of the terms in question in order to ensure that such legislation could be clearly drafted. 1/

27. Concerning insurance, the representative of the United Kingdom recalled that an expert had explained the complexities of cargo insurance to the Committee at its 135th meeting. His delegation had abstained on Security Council resolution 333 (1973) because, at the time of its adoption, it had not been prepared to accept some of its provisions. However, on the basis of the resolution, his Government had conducted a thorough review of the insurance situation and had concluded that it would be extremely difficult to draft legislation which would guarantee that no Southern Rhodesian cargo risk was insured, even by second or third parties. Nevertheless, his Government had discussed the matter with Lloyd's of London and the British Insurance Association, and the latter, which included all major British insurance companies, had urged its members to refuse knowingly to insure any Southern Rhodesian commercial risk. Inasmuch as all British insurance contracts currently provided that any insurance policy issued by them was void if the underlying transaction was illegal and under United Kingdom legislation transactions involving imports to or exports from Southern Rhodesia were illegal, it followed that any insurance contract that covered transactions involving Southern Rhodesia was automatically void. Similarly, any payment for premiums or any attempt by an insurance company to pay claims under such a policy would be caught by the United

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1/ The definition of the terms in question was provided in the study referred to in section I, para. 9, of the report.

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Kingdom exchange control restrictions. It would be a positive step if all Member States would adopt similar legislation and ensure that the restrictions he had described applied to all insurance policies issued by insurance companies in their countries.

28. With regard to the proposal concerning airlinks and landing rights, the representative of the United Kingdom stated that his delegation could not accept the proposed measure. His Government considered that the flights which landed in London and Salisbury did not constitute a violation by the United Kingdom of paragraph 6 of Security Council resolution 253 (1968), since those flights were conducted by South African Airways and not by British Airways. He believed that the representative of Sweden, when referring to the two Security Council resolutions dealing with air traffic to and from Southern Rhodesia, had had in mind Security Council resolutions 253 (1968) and 277 (1970). He wished to recall that his own delegation, in explaining its vote on the latter resolution, had made it clear that it considered that that resolution referred to road and rail transport and that air transport was covered by Security Council resolution 253 (1968). He also noted that his delegation considered that, as long as passengers experienced no difficulties in getting onward flights to Southern Rhodesia, it would be pointless to extend sanctions to airlinks and landing rights.

29. In connexion with the two proposals concerning passports, the representative of the United Kingdom pointed out that his Government issued passports to a large number of African inhabitants of Southern Rhodesia wishing to study abroad. The first measure proposed by Iraq might prevent the continuation of that policy. Referring to the second proposal made by Iraq, he said that it made little difference whether or not passports were stamped as not being valid for travel to Southern Rhodesia since the Southern Rhodesian authorities could admit any persons they wished without stamping their passports. Furthermore, it would be difficult for Governments to take follow-up action unless there was evidence that an individual had visited Southern Rhodesia. If the Southern Rhodesian authorities did not stamp visitors' passports or provide other documentary evidence, such a measure would be difficult to enforce. In his opinion, the proposed measures might therefore be very ineffectual. They also posed for the United Kingdom Government the same problems as those experienced by the Swedish Government. His Government did not believe that it would be possible to arrive at a satisfactory agreement on extension in that field.

30. The representative of the United States of America stated that, as a matter of general principle, the United States believed that the Committee's efforts should be concentrated on improving the enforcement of the existing sanctions rather than on widening their scope. His Government could not support the extension of sanctions to include postal, telephonic and telegraphic communications. The United States had voted against a draft resolution in the Security Council which would have required all States to sever all ties with the Smith régime. It had consistently attached great significance to the maintenance of communications.

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31. With regard to the specific proposals, the representative of the United States pointed out that his Government believed that the extension of sanctions to include franchises and trade names would be unenforceable, since there was no way to prevent a Rhodesian company from continuing to use a trade name in its operations. As a practical matter, the United States-related franchises in Southern Rhodesia, namely, Holiday Inn, Hertz and Avis, were not subsidiaries of the parent United States companies but were franchised from wholly owned South African companies. He wished to emphasize that no transfer of goods or services was permitted from the United States to those subsidiaries and that reservations could not be made through or by United States companies to those subsidiaries.

32. With regard to the question of insurance, the representative of the United States stated that his Government already prohibited domestic insurance companies from insuring or reinsuring the following goods: merchandise in Southern Rhodesia produced there in whole or in part for export; merchandise of any origin shipped to or from Southern Rhodesia unless specifically licensed, such as merchandise intended for medical purposes, educational equipment and food-stuffs in special humanitarian circumstances; and property in Southern Rhodesia which facilitated the export of merchandise from that country. The United States did not prohibit - and would oppose on humanitarian grounds the extension of sanctions to prohibit - domestic United States insurance companies from insuring or reinsuring the lives of persons in Southern Rhodesia or property in Southern Rhodesia which was not related to the import, export or carriage of merchandise. It would also oppose any extension to include duly and specifically licensed shipments.

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