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SIXTH REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED
IN PURSUANCE OF RESOLUTION 253 (1968) CONCERNING THE
QUESTION OF SOUTHERN RHODESIA

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* The annexes, listing all the cases under consideration by the Committee, will be issued separately as addenda to the present report. Annexes I through V will be issued as document S/11178/Add.1, and annex VI will be issued as document S/11178/Add.2.

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INTRODUCTION

1. The fifth report of the Committee (S/10852/Rev.1) was submitted to the Security Council on 22 December 1972.
2. At the 117th meeting on 11 January 1973, in accordance with the system of annual chairmanship, the establishment of which was indicated in the fifth report (S/10852/Rev.1, paras. 60-65), the Committee elected Mrs. Jeanne Martin Cisse (Guinea) Chairman and subsequently decided that the delegations of Indonesia and Yugoslavia should provide the two Vice-Chairmen for the year 1973.
3. Since the adoption of the fifth report, the full Committee has met 65 times. A drafting group, established at the 134th meeting in connexion with the preparation of the second special report (S/10920 and Corr.1), held eight additional meetings under the chairmanship of Indonesia.
4. In accordance with established practice, all of these meetings were closed, with the exception of the 175th meeting, which was held in public (see chapter VI, section C).
5. The present report, adopted on 31 December 1973, follows, as a whole, the outline of previous reports. It appeared necessary this time, however, to include as chapter II a description of the actions taken in implementation of resolution 333 (1973), adopted by the Security Council on 22 May 1973.
6. The annexes include the same entries as in the fifth report, with the addition of the communications received from a number of Governments concerning their trade with South Africa, Mozambique and Angola. These communications are reproduced in annex V in accordance with paragraph 21 of the second special report of the Committee, which recommended that the Secretary-General ask the Governments concerned for their comments on the matter, provided also that the replies received should be published.

Chapter I

WORK OF THE COMMITTEE ON SPECIFIC CASES

7. Between 16 December 1972 and 15 December 1973, the Committee continued the examination of 37 cases of suspected violation of the provisions of Security Council resolution 253 (1968) listed in its previous report, covering the period ending 15 December 1972 (S/10852/Rev.1). It also considered 42 new cases brought to its attention, including 18 cases of importation of chrome, nickel and other materials from Southern Rhodesia into the United States of America (USI-) and two cases that were opened on information supplied by individuals and non-governmental organizations (INGO-).
8. The Committee noted with concern that, in connexion with the suspected violations of sanctions, certain countries had been mentioned in the correspondence 20 or more times, although, in the view of the Committee, the dispatch of a note to any country was not in itself accusatory.
9. The Committee decided that, at the time of the preparation of its seventh annual report, an exhaustive list of all countries to which 20 or more notes concerning cases of sanctions violations have been sent will be submitted to it by the Secretariat for any purpose the Committee may deem useful.
10. The Committee was gratified that, in response to its appeal of 4 September 1973, substantial information had been received from private individuals and non-governmental organizations.
11. With regard to cases of import of chrome, nickel and other materials into the United States, some members of the Committee expressed their strong disappointment that a member of the Committee persisted to authorize its nationals to conduct transactions that were in contradiction to the mandatory resolutions adopted by the Security Council regarding the establishment of sanctions on Southern Rhodesia.
12. Those members recalled that the Committee, deeply concerned with the matter, had already reported it to the Security Council on several occasions, in particular, in three interim reports devoted entirely to it (S/10408, S/10580 and S/10593). They deplored that no action had been taken by the Government concerned to modify a policy based on national law, and, in that connexion, they recalled that in paragraph 3 of resolution 333 (1973), the Security Council: "Requests States with legislation permitting importation of minerals and other products from Southern Rhodesia to repeal it immediately".
13. The same delegations emphasized that the persistence of such an attitude was not only detrimental to the faithful implementation of sanctions in the cases specifically concerned but that, if others were to take it as an example, it would have the most regrettable effect on the efficiency of the work of the Committee as a whole.
14. On the other hand the Committee welcomed the vote of the United States Senate on 18 December, which was the first important step towards the repeal of the legislation in question.

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15. As in the past, whenever the Committee considered the information it received concerning possible violations to be sufficiently reliable, it requested the Secretary-General to transmit it to the Governments concerned for investigation and action as appropriate. As a general rule, the Governments so informed investigated the cases referred to them and reported their findings to the Committee. Whenever the information transmitted to the Committee appeared insufficient, additional information was requested (see also chapter VI, section B).

16. In that connexion, the Committee again drew the attention of the Governments concerned to the fact that, in the prevailing circumstances, bills of lading and Chamber of Commerce certificates issued by South African or Portuguese authorities should not be regarded as sufficient proof of origin. The Committee noted with regret that many Governments continued to allow importation of cargoes solely on the basis of such suspect documentation. It recommended that additional documentation be sought by the investigating authorities, in accordance with the suggestions contained in the memorandum on the application of sanctions of 2 September 1969 transmitted to all Governments on 18 September 1969 (see S/9844/Rev.1, annex VI). 1/

17. The full texts of the original reports on new cases of suspected violations and additional information received by the Committee in response to its inquiries are contained in annexes I to IV of the present report. The information is briefly reviewed below.

A. Consideration of cases carried over from previous reports and of new cases concerning possible violations of sanctions

(a) Minerals

18. The Committee pursued the study of 14 cases of shipments of minerals already mentioned in its last report and examined three new cases (cases No. 140, 151 and 153).

19. In connexion with cases in which the Committee was informed that investigations had been carried out, some of the Governments concerned indicated that the commercial documents presented had established that the cargoes were of South African origin (cases No. 85, 100, 109, 114 and 138). Other Governments stated solely that "inquiry had yielded no evidence of the shipments originating in Southern Rhodesia" (cases No. 137 and 140). A number of replies indicated only that no irregularity had been found (cases No. 108 and 118), that the charter contract prohibited loading goods from Southern Rhodesia (cases No. 81 and 86) or that the charter contract allowed goods only from South Africa (cases No. 100 and 108). In such cases, the Committee requested further information.

20. In a number of cases (cases No. 57, 100, 102, 108, 116, 118 and 130), the Committee also requested the Governments concerned to supply further information and copies of any documents on the basis of which the investigating authorities had decided that the consignments were not of Rhodesian origin.

1/ Official Records of the Security Council, Twenty-fifth Year, Special Supplement Nos. 3 and 3 A.

(b) Tobacco

21. During the period under review four new cases concerning suspected transactions in tobacco were brought to the Committee's attention (cases No. 146, 149, 156 and 157). The Committee continued examination of information received concerning case No. 104, Agios Nicolaos. No further information was received concerning the other cases mentioned in the Committee's reports.

(c) Maize

22. The Committee examined one new case of suspected violations brought to its attention during the period under review (case No. 139, Pythia). The Committee continued examination of information received concerning cases No. 91, Master Daskalos; 97, Lambros M. Fatsis; 124, Armonia; 125, Alexandros S; and 134, Bregaglia, since its fifth report (S/10852/Rev.1). The Committee decided that case No. 134 should be closed and that a letter of appreciation should be sent to Egypt (see paragraph 45 below). A number of replies concerning the other cases stated only that the investigated cargoes were of Mozambique origin; in those cases the Committee felt it necessary to ask for more information and copies of the documents submitted to the investigating authorities.

(d) Wheat

23. Since the submission of the fifth report, no new case concerning the supply of wheat to Southern Rhodesia has been brought to the attention of the Committee. The Committee decided that case No. 75 should be considered closed, in accordance with the decision taken by the Australian Government not to permit the export of wheat to Southern Rhodesia any longer (see paragraph 41 below).

(e) Meat

24. During the period under review no new case concerning suspected transactions solely in meat has been brought to the Committee's attention (see, however, case No. 154, Tango Romeo, in paragraph 33 below). The Committee continued consideration of case No. 117, Drymakos. Other cases are still pending.

(f) Sugar

25. As some additional information concerning them had been received since its fifth report, the Committee continued the examination of cases No. 60, Filotis; 94, Philomila; 112, Evangelos M; 115, Aegean Mariner; 119, Calli; 122, Netanya; 126, Netanya; 128, Netanya; 131, Mariner; and 132, Primrose. The Committee also examined one new case of suspected transactions in sugar (case No. 147, Anangel Ambition). Concerning the three shipments of sugar aboard the vessel Netanya (cases No. 122, 126 and 128), the Government concerned (Israel) stated in its reply that the certificates of origin issued by the Chamber of Commerce in Lourenço Marques in respect of the three shipments attested that the sugar originated in

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Mozambique. As it had reservations regarding documentation issued by that authority, the Committee drew the attention of the Government concerned to the appropriate type of documentation that the investigating authorities might request. The Government of Israel having confirmed its former reply, the Committee sent a note to Israel stating that it was unable to share the confidence of the Israeli authorities in the reliability of documents issued in Mozambique and requesting that utmost vigilance be exerted. With regard to case No. 119, Calli, the Committee, in the light of the replies received from the Government concerned (Morocco), decided to seek clarification and to examine the matter further. In connexion with cases No. 115, Aegean Mariner, and 132, Primrose, the Committee decided to send reminders to the Governments concerned, drawing their attention to the recommendation approved by the Security Council that the Committee should release quarterly lists containing names of Governments that have not responded substantially within the prescribed period of two months to an inquiry from the Committee regarding cases of possible sanctions violations.

(g) Fertilizers and ammonia

26. The Committee continued consideration of the replies received in connexion with three cases already mentioned in the fifth report: case No. 113, Cypress; case No. 123, Znon; and case No. 129, Kristian Birkeland. Since the fifth report, no new case of suspected violation in this field has been submitted to the Committee.

(h) Motor vehicles

27. Since the fifth report, one new case of suspected violation of sanctions involving the export of trucks, engines etc. has been submitted to the Committee (case No. 145). The information in question, obtained from published sources, indicated that Deutz Magirus (Southern Africa) (pty), a truck, tractor and engine company of the Federal Republic of Germany based in South Africa and a wholly owned subsidiary of the Klackner-Humbolt-Deutz group, was locally manufacturing trucks, tractors, diesel engines and other goods, selling them in South Africa and exporting them to various countries in southern Africa, including Southern Rhodesia.

(i) Aircraft

28. Since the fifth report, one new case of suspected violation of sanctions, involving the export of aircraft, has been submitted to the Committee, i.e., case No. 144, concerning the sale of aircraft to Southern Rhodesia. The information had been received from published sources and indicated that three Boeing 707 aircraft had recently been sold to Air Rhodesia and transferred to Rhodesia via Portugal. The Committee considered that the case was particularly serious both in itself as a clear violation of the sanctions and because the reinforcement of Air Rhodesia was bound to assist the illegal régime in its general efforts to elude the sanctions. Accordingly, the Committee drew to the matter the attention of the Governments directly concerned, i.e., Germany (Federal Republic of), Liechtenstein, Portugal, Switzerland and the United States of America and informed all Member States of the question.

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(j) Diesel electric locomotives

29. The Committee considered a new case of suspected violation (case No. 141), involving a consignment of three locomotives and spare parts shipped from Austria to southern Africa and believed destined for Southern Rhodesia. Further information on the same case, involving the additional sale of 15 locomotives, has just been provided to the Committee.

(k) Textiles and synthetics

30. The Committee considered two new cases of suspected violations (case No. 150, involving a shipment of cotton corduroy from Japan aboard the Straat Nagasaki, and case No. 152, involving Japanese cargoes of textiles aboard the Ise Maru and Acapulco Maru).

(l) Other cases

31. The Committee also took action on other instances of other possible violations of sanctions, details of which will be found in the annexes to the present report. Among these the Committee examined various cases concerning sports and competitions (see paragraphs 103-123 below). It also received information regarding supplies of cameras from Switzerland (case No. 155), pine oil from the United States (case No. 158) and cardboard containers from Spain (case No. 159).

32. Eighteen new cases have been brought to the attention of the Committee by the United States representative concerning imports of chrome, nickel and other materials from Southern Rhodesia into the United States. Furthermore, on the basis of information supplied by individuals and non-governmental organizations, the Committee has opened the following two cases: case No. INGO-1 - Southern Rhodesia and the World Ploughing Championships, and case No. INGO-2 - Joba/Etb. Zephyr Co., Amsterdam.

33. The Committee also opened a new case with potentially wide ramifications of sanctions-breaking activities between Southern Rhodesia and western Europe through Gabon and Greece. When examining that case, the Committee received some written information. It also heard a journalist who had particular knowledge of it. It decided to send notes to the Governments directly concerned and drew to the matter the attention of all Governments and of the Organization of African Unity (case No. 154, Tango Romeo).

34. In connexion with the above-mentioned cases, it should be noted that the Committee did not examine the connected question of insurance.

B. Imports of chrome, nickel and other materials from Southern Rhodesia into the United States of America

35. In its fifth report to the Security Council (S/10852/Rev.1, paras. 5-19), the Committee indicated that it had been seized of several cases of importation of Southern Rhodesian minerals into the United States of America. Those transactions

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had occurred with the knowledge of the United States Government in conformity with legislation that had become effective on 1 January 1972. The report also stated that, at the 68th meeting on 22 March 1972, the representative of the United States had confirmed the authenticity of the information and indicated that his Government would report to the Committee on a quarterly basis concerning any future shipment of "strategic materials" from Southern Rhodesia.

36. During the period covered, the Committee received the following relevant communications from the United States Mission to the United Nations regarding various shipments containing mainly ferrochrome, chrome ore, asbestos fibre, nickel cathodes and copper cathodes:

(a) A letter dated 9 January 1973, transmitting a report on 11 shipments imported into the United States from Southern Rhodesia in the period from 1 October 1972 to 1 January 1973. Those shipments, which had a total weight of 21,142 tons, had been transported aboard vessels registered in the following countries: Germany (Federal Republic of) (1), Greece (2), Italy (1), Liberia (1), South Africa (1), United States (5);

(b) A letter dated 9 April, transmitting a report on 11 shipments imported between 1 January and 1 April. Those shipments, which had a total weight of 10,869 tons, had been transported aboard vessels registered in the following countries: Greece (2), Italy (1), Liberia (2), United States (3);

(c) A letter dated 2 July, transmitting a report on 15 shipments imported between 1 April and 30 June. Those shipments, which had a total weight of 12,900 tons, had been transported aboard vessels registered in the following countries: Greece (2), South Africa (2), United States (11);

(d) A letter dated 9 October, transmitting a report on 12 shipments imported between 1 July and 30 September. Those shipments, which had a total weight of 42,200 tons, had been transported aboard vessels registered in the following countries: Germany (Federal Republic of) (1), Netherlands (1), Norway (1), United States (9).

37. The Committee examined the reports and decided that, as part of the need of keeping the international community regularly informed, it should make public the information thus received. Accordingly, press communiqués were issued, containing the names of the carriers, their country of registry and the other particulars contained in the United States reports.

38. The Committee also decided that the attention of the countries of registry of those ships should be drawn to the illegal transportations. It therefore asked the Secretary-General to request the Governments concerned to investigate the circumstances in which cargoes of Southern Rhodesian origin, the carriage of which is prohibited by paragraph 3 (c) of Security Council resolution 253 (1968), were carried aboard vessels under their registry.

39. Specific details on these cases, including the substantive parts of the replies received from Governments, may be found in annex I to the present report.

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C. Other cases of transactions conducted with the consent of reporting Governments

40. In paragraphs 53-59 of its fifth report (S/10852/Rev.1), the Committee referred to three cases of transactions conducted with the consent of the reporting Government. Among them was case No. 75, concerning the sale of wheat by Australia to Southern Rhodesia out of humanitarian consideration.

41. As already indicated in the fifth report, the Permanent Representative of Australia, by a note of 13 December 1972, had informed the Secretary-General that the Australian Government would no longer permit such exports. At the 142nd meeting, members of the Committee commented favourably on the decision taken by the Australian Government. The Committee decided to issue a press communiqué on the matter and to close the case.

42. Another case indicated in the fifth report concerned an importation of sculptures from Southern Rhodesia by a Swedish non-profit foundation for a value of Swedish kroner 2,900 (equivalent to \$US 614). The Committee examined the case at its 141st meeting and, in view of the information provided by Sweden and already indicated in its fifth report, decided to close the case.

43. The third case indicated in the fifth report under the same heading referred to an export of electro-medical equipment from Sweden to Southern Rhodesia.

D. Action taken by States with respect to specific violations of sanctions

44. At its 156th meeting, the Committee again examined case No. 131, concerning a cargo of sugar aboard the MV Mariner (see S/10852/Rev.1, paras. 51 and 52). The Committee expressed its satisfaction for the action taken by Yugoslavia in that case and decided to send a note of appreciation to the Yugoslav Government for its co-operation.

45. The Committee examined again case No. 134 concerning a cargo of maize aboard the SS Bregaglia. It had before it a note dated 11 September 1972, from the Egyptian Government stating that, following the discovery by the investigating authorities that a company operating in Egypt had erroneously imported the consignment in ignorance of its real source, the Government had confiscated the aforementioned consignment. Furthermore, the note continued, in the spirit of African solidarity, the Egyptian Government had decided to donate the amount equivalent to the consignment to the Organization of African Unity Co-ordinating Committee for the Liberation of Africa. The Committee expressed its satisfaction with the action taken by the Egyptian Government and, at its 120th meeting, decided to send a note of appreciation to Egypt for its co-operation, which had made it possible to frustrate an attempted violation of the sanctions resolutions established by the Security Council.

46. By letters of 19 and 28 November 1973, supplementing a statement made at the 177th meeting, the representative of the United States informed the Committee that a United States Federal Court had indicted on 1 November and subsequently

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fined Reynolds International, Inc., a Panamanian firm headquartered in Richmond, Virginia (USA), \$5,000 for illegally importing 197 tons of Rhodesian petalite from Southern Rhodesia (see case No. 151). That illegal transaction had been brought to the attention of the Committee by a United Kingdom note of 30 July 1973. The Committee had drawn the attention of the United States Government to that transaction by a note of 7 August. The letter from the United States stated also that the court had ordered Reynolds to forfeit the shipment, valued at \$17,810.

47. The Committee expressed its appreciation for the action taken and decided to publish the information in a press communiqué. Furthermore, noting with satisfaction that the court had ordered the company to forfeit the shipment, the Committee expressed the hope that, in accordance with paragraph 15 of the second special report of the Committee, the Government of the United States would contribute the equivalent of the proceeds of the sale of the cargo to the special fund, the establishment of which had been recommended in the same paragraph, which was approved by the Security Council in resolution 333 (1973).

48. At the 179th meeting, the representative of France informed the Committee of a transaction involving gold and gold alloys of Southern Rhodesian origin that had been effected in 1971 and 1972. As soon as that transaction had been brought to the notice of the French authorities, they had requested an explanation from the competent officials, who had stated that the imports of Southern Rhodesian gold concerned had been made on a temporary basis and that the gold had subsequently been re-exported. The transaction had been effected in good faith, as was shown by the fact that it had been referred to in an official publication entitled French External Trade Statistics. Nevertheless, the officials concerned acknowledged that there had been an unfortunate error. They had put a stop to the operations in question in June 1972, and relevant directives had been recirculated to all officials potentially concerned. Since then, no further imports had taken place.

Chapter II

ACTIONS TAKEN IN CONNEXION WITH SECURITY COUNCIL RESOLUTIONS
320 (1972) AND 333 (1973)

A. Adoption of resolutions 320 (1972) and 333 (1973) by the Security Council;
submission of the Committee's second special report (S/10920 and Corr.1)

49. On 29 September 1972, the Security Council adopted resolution 320 (1972), by which it requested the Committee to undertake consideration of the type of action that could be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against the Southern Rhodesian régime and to examine all proposals and suggestions recently made to the Council for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe).

50. The Committee met accordingly and, after detailed discussion on various proposals, including a list of 24 proposals submitted by the African delegations, it agreed on a set of 13 recommendations and suggestions, which it incorporated in its second special report (S/10920 and Corr.1). That report was submitted to the Security Council on 15 April 1973. Included in the report were other proposals advanced by some members, as well as position statements.

51. The Security Council examined the special report during five meetings (1712th to 1716th), held between 14 and 22 May, and on the latter date adopted resolution 333 (1973).

52. By the operative paragraphs of that resolution, the Council requested States with legislation permitting importation of minerals and other products from Southern Rhodesia to repeal it immediately. It also called upon States to enact and enforce immediately legislation providing for imposition of severe penalties on persons, natural or juridical, who evaded or committed breaches of sanctions by importing or exporting any goods from or to Southern Rhodesia or by providing any facilities for their transport, by conducting or facilitating any transaction or trade that might enable Southern Rhodesia to obtain from or send to any country any goods or services or by continuing to deal with clients in South Africa, Angola, Mozambique, Guinea-Bissau and Namibia after it had become known that the clients were re-exporting the goods or components thereof to Southern Rhodesia or that goods received from such clients were of Southern Rhodesian origin. It also requested States, in the event of their trading with South Africa and Portugal, to provide that purchase contracts with those countries should clearly stipulate, in a manner legally enforceable, prohibition of dealing in goods of Southern Rhodesian origin and stated that sales contracts with these countries should include a prohibition of resale or re-export of goods to Southern Rhodesia. Moreover, it called upon States to pass legislation forbidding insurance companies under their jurisdiction from covering air flights into and out of Southern Rhodesia and individuals or air cargo carried on them; to undertake appropriate legislative measures to ensure that all valid marine insurance contracts contained specific provisions that no goods of Southern Rhodesian origin or destined for Southern

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Rhodesia should be covered by such contracts; and to inform the Committee of the Security Council on their current sources of supply and quantities of chrome, asbestos, nickel, pig-iron, tobacco, meat and sugar, together with the quantities of those goods obtained by them from Southern Rhodesia before the application of sanctions.

53. By the same resolution, the Security Council also approved the recommendations and suggestions contained in paragraphs 10 to 22 of the second special report of the Committee.

B. Action taken by the Committee in implementation of Security Council resolution 333 (1973)

(a) Publication of a manual

54. As indicated in its fourth and fifth reports (S/10229, paras. 67-70, and S/10852, paras. 91-94), the Committee, bearing in mind that Rhodesian commodities continue to be accepted as emanating from neighbouring territories, has always felt that guidelines should be established to facilitate the often difficult task of national authorities in conducting inquiries. It therefore gave priority to actions on the recommendations contained in paragraphs 10, 11 and 14 of the Committee's second special report (S/10920 and Corr.1), which read as follows:

"10. The Committee recalled Security Council resolution 318 (1972) approving the recommendation of the Committee contained in paragraph 19 of its first special report (S/10632), according to which documentation emanating from South Africa and from the Portuguese-controlled Territories of Mozambique and Angola in respect of products and goods that are also produced by Southern Rhodesia should be considered prima facie suspect. Accordingly, the Committee recommends that all States that have not already done so should be requested to institute urgently effective procedures at the point of importation to ensure that such goods arriving for importation from South Africa, Mozambique and Angola are not cleared through customs until they are satisfied that the documentation is adequate and complete and to ensure that such procedures provide for the recall of cleared goods to customs custody if subsequently established to be of Southern Rhodesian origin.

"11. To assist States in making such procedures more effective, the Committee should urgently produce a manual setting forth documentation and clearing procedures necessary to determine the true origin of products that are known to be produced in Southern Rhodesia particularly chrome ore, asbestos, tobacco, pig-iron, copper, sugar, maize and meat products and establishing guidelines for confiscation in the appropriate cases (as referred to in paragraph 14 below).

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"14. The Committee recommends that all Member States should seize, in accordance with their domestic regulations, especially those based on relevant

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Security Council resolutions, cargoes established to be of Rhodesian origin that have been imported or have arrived for importation into their country."

55. Noting that the preparation of the manual, specifically referred to in paragraph 11 of the second special report, was likely to encounter technical complexities, the Committee agreed that it would seem appropriate to secure the help of specialists in the matter. Accordingly, a request for assistance was made to the Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), who kindly assigned this task to the Office of the Interregional Adviser on Trade Facilitation.

56. At the 176th meeting of the Committee on 14 November, the Interregional Adviser submitted the first draft of the manual prepared by his Office in Geneva. An exchange of views ensued, following which the Interregional Adviser informed the Committee that a revised draft would be prepared in the near future.

(b) Publication of a list of experts

57. It was also with a view to facilitating the task of national investigating authorities that the Committee had recommended to the Security Council that it approve paragraph 12 of the second special report, which reads as follows:

"To assist Governments in their efforts to prevent violations of sanctions, the Committee should publish a list of experts whose names will have been put forward to the Committee by Governments and who would be available to be called in at short notice, with the consent of their Governments in the case of Government employees, by the Government of any importing country, which will normally bear the expenses, to make appropriate investigation. The Committee may also offer to any Government of an importing country the assistance of one or more experts to investigate cargo on the spot."

58. The Committee considered that in their desire to implement that recommendation, which was approved by the Council, Governments might wish to receive some indication of the duties that would be assigned to the experts and the qualifications that would be required of them.

59. Accordingly, the Committee prepared the text of a note in which it emphasized that the major task of those experts would consist of assisting Governments to determine, by chemical analytical methods, if possible and necessary, and by other methods, the true origin of certain commodities, particularly chrome ore, asbestos, tobacco, pig-iron, copper, sugar, maize and meat products exported from southern Africa, especially from South Africa, Mozambique and Angola, and to ascertain whether the documents accompanying the commodities from that region were reliable and authentic manifestations of the country of origin indicated therein; the purpose of those measures and procedures would be to discover whether any of the commodities in question did actually come from Southern Rhodesia under false or fraudulent documentation. The Committee hoped that the experts nominated for that task would be qualified individuals with considerable experience in one or more relevant fields, such as international trade, particularly that conducted through third

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countries, shipping, marine insurance and charter business, as well as laboratory analysis of certain agricultural, mineral or rock products. The note indicated also that it might be desirable that such experts be able to call upon institutions that could offer their expertise and laboratory facilities and that should Governments also wish to submit names of relevant institutions, they would be welcome to do so. The note was sent on 7 September 1973.

60. At the time of drafting this report, a reply dated 21 November had been received from the United States, indicating that its Government would make available the facilities of the United States Customs Service Laboratory at Baltimore (Maryland) to perform chemical tests on behalf of interested Governments, if so requested.

61. Other replies have been received from New Zealand (3 December) and Thailand (20 December), giving the names of experts and from Denmark (28 December 1973), Finland (27 December) and Sweden (28 December) welcoming the establishment of such a list of experts and stating that the relevant expenses should be borne by the United Nations regular budget.

(c) Request for information from individuals and non-governmental organizations

62. The inadequate flow of information has been of continuous concern to the Committee. In its first special report (S/10632, para. 11), the Committee had already indicated its hope that information could be provided to it not only by Governments but by individuals and non-governmental organizations. In furtherance of the same goal, the Committee recommended to the Security Council that it adopt paragraph 13 of the second special report, which reads as follows:

"The Committee recommends to the Council that Member States, as well as the Committee, should, by taking adequate measures, encourage individuals and non-governmental organizations to report to the concerned bodies reliable information regarding sanctions-breaking operations."

63. Following the adoption of this paragraph by the Council, the Committee decided that, in order to draw particular attention to its contents, its full text should be reproduced in a note, which was dispatched to Member States on 3 August by the Secretary-General at the request of the Committee, drawing their attention to salient features of Security Council resolution 333 (1973) and of the part of the second special report of the Committee that the Council had approved.

64. The Committee considered also that widespread publicity should be given to the matter, and on 4 September 1973, it issued a press release in which it appealed to individuals and non-governmental organizations to submit relevant information to national authorities and/or directly to the Committee. In its press release, the Committee specifically asked for reliable information regarding sanctions-breaking operations, particularly on such matters as trade, or the promotion of trade, including carriage of goods, financial or investment transactions, foreign travel by Southern Rhodesians, transport to or from Southern Rhodesia, encouragement of emigration or tourism to Southern Rhodesia and the maintenance of any relations or

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any representation, official or unofficial, with Southern Rhodesia. The Committee also expressed the hope that communications addressed to it would be signed and fully attributable. The press release was sent to the permanent missions to the United Nations, to United Nations information centres and information services, to mass media offices and to the international and national non-governmental organizations registered with the Office of Public Information and likely to be interested in the matter.

65. The Committee decided also to request the Secretary-General to send a note, drawing the attention of States to the press release and expressing the hope that each State might, in response to the Committee's appeal, use its good offices to have the subject-matter of the press release disseminated as widely as possible, using all the facilities of mass media available. Furthermore, the note requested that each State, in accordance with the provisions of paragraph 13 of the second special report mentioned above, should endeavour to undertake any other appropriate measures to encourage individuals or non-governmental organizations within its domain to submit the required information. The note was dispatched on 14 September.

66. Since then a number of communications from individuals and non-governmental organizations referring to the press release mentioned above have been received. Several of these communications contained information on possible cases of violations of sanctions that the Committee found useful. Other communications informed the Committee about non-governmental organizations' initiatives in support of sanctions implementation and indicated a desire to co-operate closely with the Committee as requested in its published appeal.

67. In order to hasten the handling of communications from individuals and non-governmental organizations, the Committee devised a semi-automatic procedure to be followed by the Secretariat, so that all the Committee members could be quickly advised of any useful information in that regard.

68. A valuable contribution was also received from individuals, notably from the mass media field. Thus, following the report in a London newspaper of a large-scale transport of meat going from Southern Rhodesia to Europe and of manufactured products on the way back, Mr. Paul Eddy (The Sunday Times) was heard by the Committee, to which he provided additional information.

(d) Establishment of a special fund

69. Among the recommendations and suggestions of the Committee that were approved by the Security Council in resolution 333 (1973), was also the establishment of a special fund as stated in paragraph 15 of the second special report, which reads as follows:

"The Committee recommends the establishment of a special fund, which should be financed by voluntary contributions, especially the equivalent of the proceeds of the sales of goods seized as recommended in paragraph 14 above. This fund should be used to the extent possible for the payment of expenses of experts referred to in paragraph 12 above when they are called in

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and the implementation of measures referred to in paragraph 13 above. In addition, the Committee might also make appropriations for other purposes consistent with resolution 253 (1968) if funds are available."

70. When the Committee examined the matter, it was pointed out that such a fund was to be financed by voluntary contributions, especially the equivalent of the proceeds of the sales of goods seized because of their Southern Rhodesian origin. It appeared, therefore, that the suggestions to be included in the proposed manual still under preparation concerning action to be taken by Governments with regard to illegal cargoes might have a direct bearing on the functioning of the fund and might have to be mentioned.

71. Accordingly, in the note of 3 August already referred to, it was indicated that additional information would be requested subsequently from Member States concerning paragraph 15 of the second special report. Meanwhile, at the request of the Committee, the Budget Division of the Secretariat prepared an explanatory note on the technical aspects of setting up such a fund.

(e) Publicity on the purpose of the United Nations sanctions policy

72. As a part of its endeavour to enlist the support of public opinion, the Committee had also submitted to the Security Council, as paragraph 16 of its second special report, a recommendation that reads as follows:

"The Committee thinks that awareness on the part of Member States of the whole purpose of the United Nations sanctions policy is vital and, therefore, that it should periodically request Member States to draw the attention of their public to the importance of the relevant United Nations resolutions."

73. In implementation of that paragraph, which was approved by the Council, the Committee included in the contents of the note of 3 August addressed to Member States the full text of the recommendation, thus drawing their attention in writing to their special obligations in the matter. Moreover, on the occasion of the Committee's 175th meeting, which was held in public during the twenty-eighth session of the General Assembly, members of the Committee took advantage of the presence of many other delegations to recall the duty of Member States to inform their public appropriately.

(f) Request for information from Member States with diplomatic or consular services in southern Africa

74. In paragraph 9 of its first special report (S/10632), the Committee made a general request to Governments to bring cases of suspected sanctions evasions immediately to the notice of the Committee. In another effort to obtain additional information in order to be in a position better to fulfil its mandate, the Committee, in paragraph 17 of its second special report, referred to the particular responsibility that in its view falls upon States with extensive consular services in southern Africa:

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"The Committee recommends that Member States, especially those with extensive consular services in southern Africa, should be urged to assist the Committee in the collection of information on sanctions violations, so as to increase the amount of such information available to the Committee."

75. The Council having approved this recommendation, the Committee decided that its full text should be included in the note addressed to Member States on 3 August and that a list of States with diplomatic or consular services in southern Africa should be attached to it.

76. At the time of preparation of this report, communications have been received on this matter from the following States, which assured the Committee of their complete co-operation: France, India, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

(g) Publication of lists of Governments that have not responded within the prescribed period to the Committee's inquiries

77. Repeatedly in the past, the Committee has complained that Governments were not giving sufficiently prompt attention to its requests for information on possible cases of sanctions violations brought to the knowledge of the Committee. Thus, in its first special report (S/10632, paras. 15 and 16), the Committee informed the Council that it had decided to request Governments to reply within a period of two months. To complete that decision, which had been approved by the Security Council, the Committee, in paragraph 18 of its second special report, recommended the following:

"The Committee should release quarterly lists containing names of:

"(a) Companies found guilty of sanctions violations;

"(b) Governments that have not responded within the prescribed period of two months to an inquiry from the Committee regarding cases of possible sanctions violations, together with the details of the cases in question, including the names of any companies involved."

78. Accordingly, the first quarterly list was issued on 3 July and contained the names of six countries: Liberia, the Netherlands, Panama, South Africa, Spain and Venezuela. When the second quarterly list was issued on 25 October, replies from Liberia, Panama, South Africa, Spain and Venezuela regarding the cases referred to in the first list were still outstanding; since then, replies have also become overdue from Liberia, Portugal and South Africa, whose names were also included in the second list.

(h) Lists of Southern Rhodesian exports

79. The last action to be taken by the Committee in implementation of Security Council resolution 333 (1973) is to be found in paragraph 20 of the second special report, which reads as follows:

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"The Committee should circulate lists of all goods that Rhodesia is currently known to export, with comparable up-to-date lists of similar exports from South Africa, Mozambique and Angola, to establish the extent to which the South African, Mozambique and Angola exports have increased since the unilateral declaration of independence."

80. Accordingly, the Committee requested that the Statistical Office of the Secretariat include as much information as possible on this specific matter in the note on Southern Rhodesia trade for 1972, now under preparation. This note will be issued as annex VI to the present report.

C. Action taken by the Secretary-General in connexion with the work of the Committee

(a) Reinforcement of the team within the Secretariat that services the Committee

81. On various occasions since its third report in 1970, the Committee has expressed its desire to receive increased assistance from the Secretariat team that services it. In its first special report (S/10632, para. 13), it recommended the following:

"The secretariat of the Committee should be in a position to keep the Committee continuously and adequately informed of all developments relevant to the task entrusted to it by Security Council resolutions 253 (1968), 277 (1970) and 314 (1972). It should also initiate any specialized studies required by the Committee with the assistance when necessary, of other competent departments of the Secretariat."

82. When preparing its second special report (S/10920 and Corr.1) the Committee noted that not only was its workload increasing in volume but that technical difficulties were encountered more and more frequently in the cases submitted to it. It decided that the attention of the Security Council should be brought to both aspects of the matter and therefore adopted the following recommendation as paragraph 19 of that report:

"The Committee, recalling paragraph 13 of its special report to the Security Council (S/10632) of 9 May 1972 and noting that its volume of work has greatly increased since the approval of that report by the Security Council, recommends that the team within the Secretariat that services the Committee should be reinforced, so as to enable it to keep the Committee continuously and adequately informed of developments relative to its task as entrusted to it by the relevant Security Council resolutions. In particular, the Committee recommends the appointment within this team of an individual with experience of international commerce, particularly of trade conducted through third parties, who would be responsible to the Committee, attend all meetings of the Committee, take any necessary action, including publicity action, at the Committee's request, make suggestions to the Committee and prepare work for the Committee, including, where appropriate, the submission to it of draft notes to Governments requesting further clarification or explanation."

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83. At the 1712th meeting of the Security Council, held on 14 May 1973, the Chairman of the Committee, in the course of her statement, described the purpose of the recommendation contained in paragraph 19 of the second special report as follows:

"The members of the Committee were assisted by a Secretariat team which my delegation - and here I believe I am speaking also on behalf of all members of the Committee - holds in the highest regard. That team, composed of excellent people whose devotion is total and whose impartiality has never been questioned, was the mainspring of our work.

"But cases of suspected violation multiply and correspondence mounts unceasingly. Furthermore, the Committee is in ever-increasing need of research work and analysis. It therefore desires that the present team from the Secretariat which assists it should be considerably reinforced, not only for routine work but also at the technical level and, in particular, by the inclusion in it of a person with practical experience in international commerce.

"That is the unanimous recommendation expressed by the Committee in paragraph 19 of the report, and I wish to draw the Secretary-General's attention to this particularly." (A/PV.1712)

84. The relevant report of the Secretary-General to the Advisory Committee on Administrative and Budgetary Questions and the Fifth Committee of the General Assembly (A/C.5/1572, section 4.2) contains the following description of the action taken by the Secretary-General with a view to implementing that recommendation:

"As a first step towards the strengthening of this team desired by the Security Council, an individual with special expertise was added, a vacant post elsewhere in the Department of Political and Security Council Affairs being temporarily utilized for this purpose. It is proposed that for the biennium 1974-1975 this situation be regularized by the addition to the establishment of the Security Council and Political Committees Division of a post at the P-4 level, as well as of a post at the G-4/1 level, to accommodate a secretary."

Consequently, the Secretary-General sought the approval of the Advisory Committee and the Fifth Committee for those additions to the team servicing the Committee.

85. The Secretary-General's report was considered by the Advisory Committee on 14 December 1973. The Advisory Committee concurred with the above-mentioned request. The comments which the Advisory Committee made in this connexion are contained in its 34th report to the General Assembly at its twenty-eighth session (A/9008/Add.33, section 4). At the 2206th meeting on 18 December, the General Assembly approved the proposal of the Secretary-General.

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86. The Committee welcomed the information from the Secretariat that the assignment of further staff to the team from within existing resources would be carried out early in 1974 and that, moreover, consideration was being given to possible administration changes that would be designed to enable the team servicing the Committee to carry out its tasks as effectively as possible.

(b) Note by the Secretary-General to States trading with South Africa, Mozambique and Angola

87. In paragraph 21 of its second special report, the Committee, after expressing its concern on what it considered as evidence of flagrant and widespread violations of sanctions, proposed that the Secretary-General should elicit comments on the matter from the Governments concerned. That recommendation reads as follows:

"The Committee noted the flagrant and widespread violations of sanctions demonstrated by, in addition to other evidence, the discrepancies, in particular those revealed in annex V of its fifth report (A/10852/Add.2), between the quantities of certain commodities reported to have been imported from South Africa, Mozambique and Angola and the quantities reported to have been exported by those countries. The Committee proposes that the Secretary-General should write to the representatives of all States trading with South Africa, Mozambique and Angola, with a copy to other Member States for information, drawing their attention to the existence of these discrepancies, to the Secretary-General's memorandum on the application of sanctions of 18 September 1969 and to the Secretary-General's note of 27 July 1971 regarding documentation necessary for importing from and exporting to Mozambique. The Secretary-General should request their comments on the discrepancies, in so far as they concern their countries. He should also request information on the precautions they are taking, bearing in mind the Secretary-General's communications referred to above, to ensure that products, in particular chrome ore, asbestos, tobacco, pig-iron, copper, sugar, maize and meat products, purporting to originate in South Africa, Mozambique and Angola and now imported in greater quantities than in 1965, in fact originate in these territories and are not disguised Rhodesian exports. The Committee proposes that the Secretary-General's notes and the replies of Governments should be published."

88. Accordingly, in consultation with the Committee, a note was prepared in which the Secretary-General drew the particular attention of the Governments concerned to the contents of the recommendation quoted above. At the request of the Committee, a working paper containing a breakdown of figures concerning the external trade of South Africa, Mozambique and Angola in respect of specific commodities, as reported respectively by each Government involved and by South Africa, Mozambique and Angola, was attached to the note. Finally, the note stated that, in accordance with the final part of the recommendation, the Secretary-General's note and the replies of Governments would be published. As further decided by the Security Council, the Governments concerned were requested to inform the Committee in three months' time of the action that they had taken with respect to the recommendation in question, among others. The Secretary-General's note was sent on 3 August to the countries trading with South Africa, Mozambique and Angola referred to in the list that was

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attached to the note. On the same date, the Secretary-General sent a note to the other Member States, transmitting the note indicated above for their information.

89. At the time of the drafting of the present report, replies relevant to paragraph 21 of the second special report had been received from Austria, Canada, Denmark, Finland, France, Federal Republic of Germany, Italy, Japan, the Netherlands, Norway, Singapore, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

90. In accordance with the decision of the Security Council on the matter, the Secretary-General's notes and the substantive parts of the replies of Governments are contained in annex V of the present report.

D. Replies received from Governments with respect to paragraph 8 of Security Council resolution 333 (1973) and paragraphs 10, 12, 13, 14, 16 and 17 of the second special report of the Committee

91. In paragraph 22 of the second special report, the Committee requested Member States to inform it in three months' time of the action that they had taken or intended to take with respect to the recommendations contained in paragraphs 10, 13, 14, 16, 17 and 21 of that special report.

92. Also, in paragraph 8 of resolution 333 (1973), the Security Council called upon States "to inform the Committee of the Security Council on their present sources of supply and quantities of chrome, asbestos, nickel, pig-iron, tobacco, meat and sugar, together with the quantities of these goods they obtained from Southern Rhodesia before the application of sanctions".

93. Notes from the Secretary-General and replies received from Governments with regard to paragraph 21 of the second special report have been referred to above. Concerning the other relevant provisions, it may be recalled that the Secretary-General sent the following notes:

(a) A note dated 6 June 1973, transmitting the text of Security Council resolution 333 (1973) and drawing particular attention to paragraphs 2 through 8 of that resolution and to the recommendations and suggestions contained in paragraphs 10 to 22 of the Committee's second special report (S/10920 and Corr.1);

(b) A note dated 3 August 1973, prepared by the Committee and sent at its request, drawing particular attention to the recommendations contained in paragraphs 10, 13, 14, 16 and 17 of the second special report, the text of which was cited in full, and to paragraphs 2 through 8 of Security Council resolution 333 (1973), and stating that the Committee would appreciate receiving any information and comments concerning paragraphs 10, 13, 14, 16 and 17 of the second special report not later than three months from the date of the note. A list of countries having diplomatic or consular representation in southern Africa was attached to the note for information;

(c) A note dated 7 September 1973, prepared by the Committee and sent at its request, drawing particular attention to paragraph 12 of the second special report concerning the nomination of experts. The note requested replies by 7 December 1973;

(d) A note dated 14 September 1973, prepared by the Committee and sent at its request, again drawing particular attention to paragraph 13 of the second special report concerning the encouragement to be given by Member States to individuals and non-governmental organizations to report relevant information. A copy of the appeal issued by the Committee on 4 September was attached to the note.

94. At the time of the drafting of the present report, in addition to information given by Committee members on behalf of their Governments in the course of the meetings, replies had been received from the following States:

(a) With respect to paragraph 8 of Security Council resolution 333 (1973):
Fiji and United Kingdom of Great Britain and Northern Ireland.

(b) With respect to paragraphs 10, 12, 13, 14, 16 and 17 of the Committee's second special report: Austria, Denmark, Finland, France, Germany (Federal Republic of), Iceland, India, Italy, Malta, Netherlands, New Zealand, Norway, Pakistan, Rwanda, Sweden, Thailand, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America.

Chapter III

CONSULAR, SPORTING AND OTHER REPRESENTATION OF AND IN SOUTHERN RHODESIA
AND REPRESENTATION OF THE ILLEGAL REGIME IN OTHER COUNTRIES

A. Consular offices in Southern Rhodesia

95. In the Committee's fourth report (S/10229 and Add.1 and 2, paras. 71-73), it was stated that all foreign consular offices had been closed in Southern Rhodesia, with the exception of those of South Africa and Portugal. The Committee was not informed of any new development on the matter during the period covered by the present report.

B. Southern Rhodesian offices abroad

96. In its fifth report (S/10852/Rev.1, para. 96), the Committee indicated that Southern Rhodesia was maintaining diplomatic or consular missions in Beira and Lourenço Marques (Mozambique), Lisbon (Portugal), Cape Town and Pretoria (South Africa); trade missions in Luanda (Angola) and Johannesburg (South Africa) and information offices in Sydney (Australia) and Washington, DC (USA). It was also stated in the same report (paragraph 112) that Air Rhodesia kept offices in Beira, Lourenço Marques and Vilanculos (Mozambique), Blantyre (Malawi), Cape Town, Durban and Johannesburg (South Africa) and New York (USA). It was further reported (paragraphs 122 to 124) that the Committee had requested additional information from the Government of Switzerland regarding the possible existence of a Rhodesian national tourist board in Basel (Switzerland).

97. During the period covered, the Committee was not informed of any new developments concerning diplomatic, consular and trade missions maintained by Southern Rhodesia abroad.

98. The existence of an Air Rhodesia office in New York and of a Rhodesian information office in Washington was confirmed by the representative of the United States at the Committee's 168th and 170th meetings. Concerning the Rhodesian information office in Washington, the United States representative informed the Committee that, according to the statement given by the individual in charge of the office, when, on 3 February 1966, its official registration in the United States had been requested, its purpose was to disseminate in the United States factual information about Rhodesia by distributing literature and films, addressing groups and individuals and making radio and television appearances and presentations. The representative of the United States reported that the so-called Air Rhodesia office was not allowed either to sell air flight tickets or to make reservations. The fact that the airline might engage in illegal activities, such as purchase of aircraft, was being continually investigated by his Government.

99. Two Rhodesian individuals were currently in charge of the Rhodesia information office in Washington. They had entered the United States as non-immigrant foreign nationals in 1964 and 1965, respectively. Both had applied for adjustment of their special status to that of permanent residents. One of them had obtained it before

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the adoption of Security Council resolution 253 (1968); the case of the other had been kept pending, despite strong pressure in various circles that he be granted permanent resident status.

100. The matter of the Rhodesian office was being investigated in Washington by the Sub-Committee on Africa of the House of Representatives Foreign Affairs Committee, and it was clear that members of the Congress were showing a growing concern about the situation.

101. In the fifth report, the Committee had also included information about a Southern Rhodesian information office in Sydney, Australia (S/10852/Rev.1, para. 97). Since then, the Committee had received further information from a non-governmental organization in Australia, according to which that office was still operating in Sydney, it was being financed directly by the Southern Rhodesian régime and it was acting as an unofficial diplomatic mission and trade outlet for the Smith régime. At the 180th meeting, the representative of Australia said that his Government regarded the continuance of the office as contrary to Australia's international obligations and had begun action directed towards the closure of the office. That action was, at the time of preparation of the present report, subject to challenge in the courts.

102. Finally, concerning the existence of a Rhodesian national tourist board in Basel (Switzerland), the Committee received a reply from the Government of Switzerland, stating that an investigation of the matter had shown that there was no tourist agency at Basel that represented the "Rhodesia National Tourist Board". The note added that the telephone number that had been provided by the Committee belonged to a firm which had nothing to do with Rhodesian tourism.

C. Sporting activities and other international competitions

(a) The Maccabiah Games (Israel) - case No. 148

103. At the 145th meeting, on 21 June, the representative of the Sudan drew the attention of the Committee to a press article according to which Rhodesia had entered a 28-member team for the ninth Maccabiah Games to be held in Israel from 9 to 19 July 1973. The paper added that the Rhodesian team would march under the British flag at the opening and closing ceremonies. Because of the impending opening of the Games, the Committee requested its Chairman to inquire directly of the Permanent Mission of Israel concerning the matter.

104. At the 147th meeting, the Chairman reported to the Committee that, in accordance with the instructions received from his Government, the Permanent Representative of Israel had assured her of Israel's desire to comply with the sanctions resolutions and that no Southern Rhodesian would participate in the Games under the Southern Rhodesian flag. In that connexion, he had added that, a few days previously, a Southern Rhodesian national holding a Southern Rhodesian passport had been refused entry to Israel. The Permanent Representative had further stated that "a number of Israelites" would be participating in the Games by virtue of their membership of sports clubs in Israel. The Committee considered that

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further clarification was needed regarding the reference made to the participation of "Israelites" referred to at the end of the Permanent Representative's statement and decided that a letter should be sent to him with a request for clarification.

105. Accordingly, the Chairman addressed a letter dated 29 June to the Permanent Representative of Israel, drawing his attention to the press article referred to above and pointing out that such participation would be contrary to the spirit and the provisions of the resolutions adopted by the Security Council on the subject, in particular the provisions of paragraph 5 of resolution 253 (1968).

106. On 10 July, another article appeared in the press, describing the opening ceremony of the Games and stating: "Each contingent followed its national colors except the Rhodesians. The contingent of 21 athletes and 7 officials carried no flag at all but marched behind the banner of the Maccabiah sports organization in their country".

107. By a letter dated 11 July to the Permanent Representative of Israel, the Chairman of the Committee drew his particular attention to that paragraph and requested his comment. In a reply of 16 July, the Permanent Representative indicated that Israel adhered to paragraph 5 (a) and (b) of Security Council resolution 253 (1968) and added that the Maccabiah Games, held every four years in Israel, were an internal event of the Maccabi World Union, which was composed of Jewish sports clubs in various parts of the world. The Games were not competitions between States but solely between Jewish sportsmen, who were selected by their local clubs and did not represent the countries, Governments or authorities of their place of residence. Medals were awarded to individuals. The sportsmen concerned did not travel or enter Israel on Rhodesian passports. Moreover, the participants from the Maccabi Sports Clubs in Southern Rhodesia had not been allowed to carry a flag, unlike other participants; and an official statement had been published emphasizing that "the Rhodesian Jewish athletes participating in the Maccabiah Games are individual members of the Rhodesian Maccabi Clubs and do not in any way constitute a Rhodesian national contingent".

108. Furthermore, the letter continued, participants in the Games residing in Southern Rhodesia were certainly not in any way persons who came under the provision of paragraph 5 (b) of resolution 253 (1968), and there was no reason to discriminate against them.

109. When it examined the case again at its 153rd meeting, the Committee decided that the matter was of sufficient importance to inform the public of it. A press communiqué was therefore issued on 19 July. In addition, a note was sent to Israel on 27 July, requesting further information, in particular, the procedure followed by the Israel Government and on what basis it had been determined that the Jewish participants in the Games residing in Southern Rhodesia were certainly not persons who in any way came under the provision of paragraph 5 (b) of resolution 253 (1968). The Committee requested in that connexion a series of specific information.

110. In his reply of 26 September, the Permanent Representative of Israel indicated that all the full and correct details that could be obtained on the matter had been provided in his letter of 16 July 1973.

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111. After having reviewed the case again, the Committee decided that the case should be included in its next report to the Security Council.

(b) World Yachting Championships (Italy) - case No. 160

112. The Committee was informed from various published sources that three Rhodesian yachtsmen had competed in the world championship for the contender class at Imperia, Italy. By a note of 23 November, the Committee drew the attention of the Italian Government to that possible case of sanctions violation.

113. In its reply of 5 December, the Italian Government indicated that those competitors had entered Italy with British passports and that the Italian National Olympic Committee had stated that it knew those persons as having been residents in the United Kingdom for many years. The reply from Italy added that the inquiry was still in progress and that any new information obtained would be forwarded to the Committee.

(c) World Ploughing Championships (Ireland) - case No. INGO-1

114. By a letter dated 6 September, the Anti-apartheid Movement of Dublin informed the Committee that Southern Rhodesia was sending competitors to the World Ploughing Championships taking place at Wexford, Ireland, in October 1973.

115. The Committee examined the matter, and, at its request, the Secretary-General sent a note dated 19 September to the Government of Ireland, drawing its attention to the information and requesting its comment.

116. In its reply of 28 September, the Irish Government informed the Committee that the entry into Ireland of persons travelling on Southern Rhodesian passports or coming under the provision of paragraph 5 (b) of resolution 253 (1968) was forbidden. However, there were practical difficulties in preventing the entry into Ireland of individuals travelling on passports of another State if entering from within the common travel area of Great Britain and Ireland or travelling on British passports. The note added that the Government of Ireland had emphasized the importance it attached to the spirit, as well as the letter, of resolution 253 (1968) by refusing invitations to attend the opening ceremonies.

117. At its 171st meeting, the Committee examined the case again and noted with satisfaction the assurances given by the Irish Government. It decided, however, to request additional information on the team or the individuals who were coming from Southern Rhodesia, their incoming routes, their means of transport, the type of travel documents in their possession and the criteria by which those competitors had been selected.

118. In connexion with that competition, the Committee also received a note dated 23 October from the Permanent Representative of Kenya, stating that his Government, upon learning that a team from Southern Rhodesia had also been invited to the World Ploughing Championships, had immediately recalled its national team.

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119. The Committee expressed its appreciation to the Government of Kenya for that decision, which was in full accordance with the spirit of Security Council resolutions on the matter.

(d) Rugby team touring Africa - case No. 142

120. By a letter of 30 March, the Permanent Mission of Argentina informed the Committee that, on 12 March 1973, the rugby team of the San Isidro Club (SIC), a member of the Argentine Rugby Union, began a tour that included matches in Southern Rhodesia. Having been informed of that tour, the Office of the Under-Secretary of Sport made representations to the Argentine Rugby Union and asked it to cancel the authorization granted to SIC. The Argentine Rugby Union maintained that it was competent only to deal with the sporting aspects of the tour - for example, to see that the rules of amateurism were observed - and that the matter would be different if the team had been a national one, i.e., representing the Argentine Rugby Union. Accordingly, under resolution 706 of 15 March 1973, signed jointly by the Ministers of Justice and of Social Welfare, a Government official was appointed to take over the affairs of the Argentine Rugby Union. Once appointed, that official cancelled the authorization granted to SIC to play rugby matches in Southern Rhodesia and sent cables to that effect to the touring team. However, it was not possible to establish direct contact. Under Law 19846, the provisions of Security Council resolution 253 (1968) have been incorporated in the domestic legislation of Argentina. It was in accordance with that law that that measure was adopted.

(e) Basket-ball team touring Africa

121. At the 162nd meeting on 16 August, the representative of Kenya informed the Committee that the attention of his Government had been drawn to the fact that a basket-ball team from the United States known as "Venture for Victory" was on its way to Africa as part of its tour of Africa, Asia and Australia. Part of the engagement of that private basket-ball team, which was financed by certain church organizations in the United States, involved playing matches against teams in Southern Rhodesia. Consequently, the Government of Kenya had issued directives to the Basket-ball Federation of Kenya to the effect that should the team arrive in Kenya, it should be informed that, if it planned to play in Southern Rhodesia, it would not be allowed to enter Kenya as a sports team but only as a group of tourists without any possibility of engaging in any sporting activities. The message had been conveyed to the organizers, who decided that the team would not visit Kenya.

122. The representative of Kenya added that his delegation was not requesting any specific action to be taken, apart from informing Member States which had been or might be approached by that team, so that they could deny them playing or transit facilities in accordance with the relevant Security Council resolution.

123. The Committee expressed its appreciation to the representative of Kenya for the decision taken in the matter by his Government and decided that a press release containing his statement would be issued as a matter of urgency.

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Chapter IV

AIRLINES OPERATING TO AND FROM SOUTHERN RHODESIA

124. As already stated by the Committee in its fifth report (S/10852/Rev.1, para. 110), it appears that direct flights exist between Southern Rhodesia, on one side, and Malawi, Mozambique and South Africa, on the other.

125. In that connexion, the Committee has been informed that three Boeing aircraft had been sold to Air Rhodesia. The Committee expressed its deep concern about that matter and is pursuing its investigations (case No. 144).

126. The Committee also considered, in connexion with case No. 154 (Tango Romeo) the operations of two air companies by the names of Affretair and Air Trans Africa (see chapter I, paragraph 33 above).

Chapter V

IMMIGRATION AND TOURISM

127. According to Southern Rhodesian sources, Rhodesia's total population increased by 190,000 to 5,780,000 in 1972. The African population, which now totals nearly 5.5 million, accounted for 180,000 of the increment. 1/ The European population totals approximately 240,000.

A. Immigration

128. In its fifth report (S/10852/Rev.1, paras. 114 to 121), the Committee stated that figures published by Southern Rhodesia for the years 1970 and 1971 reflected a new increase in the net immigration of Europeans into the country. More recent figures published by the régime show that in 1972, for the first time since 1969, the rate of net immigration declined: 2/

	<u>Immigrants</u>	<u>Emigrants</u>	<u>Net migration</u> (round figures)
1969	10,929	5,890	+ 5,040
1970	12,227	5,890	+ 6,340
1971	14,743	5,340	+ 9,400
1972	13,966	5,150	+ 8,820

1/ Economic Survey of Rhodesia, published by the "Ministry of Finance", April 1973.

2/ Monthly immigration and tourist statistics for July 1973, "Central Statistical Office, Salisbury, Rhodesia".

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That downward trend is reported to have continued during the first part of 1973, for which the following comparative figures are given:

	<u>Immigrants</u>	<u>Emigrants</u>	<u>Net migration</u> (round figures)
1972 (January-July)	9,024	3,010	+ 6,020
1973 (January-July)	6,086	4,090	+ 1,990

129. It should be noted in that connexion that the reduced inflow is due not only to a drop in immigration but also to a rise in emigration. Furthermore, the view was stated in the South African press that "were it not for the tight foreign exchange control over the transfer of a prospective emigrant's assets from the country, emigration might, indeed, have been much larger, so that under less stringent conditions Rhodesia might well have had an overflow by now". 3/

B. Tourism

130. In 1972, there was again an increase in tourism; however the rate of expansion declined. During January-July 1973, there was an actual decline compared to the same period of 1972.

131. Figures on that matter as indicated by the same Southern Rhodesian sources are as follows:

	<u>Visitors from other countries</u>				
	<u>In transit</u>	<u>On business</u>	<u>For education</u>	<u>On holiday</u>	<u>Total</u>
1969	68,908	24,648	7,493	254,441	355,490
1970	59,336	25,951	8,124	270,659	364,070
1971	47,208	22,146	7,175	317,381	393,910
1972	37,354	20,978	7,943	339,210	405,485
1972 (January-July)	23,479	12,924	5,822	187,589	229,814
1973 (January-July)	10,230	12,315	5,289	140,673	168,507

132. It may be worth noting that the same trend appears in the 1973 figures given for visitors staying for less than one night, as follows:

1972 (January-July)	32,848
1973 (January-July)	20,477

3/ Financial Mail, Johannesburg, 7 September 1973.

133. The Committee has received information from a non-governmental organization, alleging that a number of travel agencies, airline companies, car rental firms and credit card companies in the United States are involved in organizing and providing ancillary services for tours to Southern Rhodesia in breach of sanctions provisions of the Security Council. At the 168th meeting of the Committee, the representative of the United States informed the Committee that those allegations were under investigation by the United States Government. The Committee has also received information from a non-governmental organization in New Zealand that travel agencies in that country were advertising and operating tours within Southern Rhodesia.

Chapter VI

LEGAL AND OTHER ISSUES

A. Responsibility of States regarding sanctions violations by their nationals abroad

134. In some cases of suspected violation of sanctions to which, in accordance with its usual procedure, the Committee had drawn the attention of the States concerned, the Committee received replies stating that, inasmuch as it appeared that the reported transaction had been conducted outside the national territory and that the goods concerned had never entered the national customs inspection control, no measures could be taken by government authorities against the firms involved, whether or not they were registered in that country and operating from it.

135. The Committee considered that the matter raised a question of general importance and requested the advice of the Legal Counsel of the United Nations.

136. When the Committee examined the matter again, having before it a memorandum containing the Legal Counsel's opinion, it considered that the particular attention of Governments should be drawn to the legal opinion thus given, so that each State could take the necessary measures to ensure that firms established in, and operating from, its territory would not, by means of activities conducted abroad, violate the mandatory sanctions.

137. The Committee therefore prepared a note, describing the issue at stake and reproducing the substantive parts of the communication received from the Legal Counsel.

138. On 29 October 1973, the note was sent to all Member States. The substantive part of the Legal Counsel's opinion included in the note is reproduced below.

"The Government first comments that its authorities have no legal or practical means of intervening outside its own territory. This seems to me to deal only partially with the means available to the authorities concerned to influence the companies in question. If those companies are organized under the law of the State concerned, have its nationality and are registered under its law, it would appear to be open to the competent authorities to decide whether or not to allow the companies to maintain whatever status they enjoy under local law. It would, for example, seem that the authorities may be in a position to require that the companies concerned desist from engaging in the transactions in question as a condition of the continuance of their registration under local law.

"In the second place, the Government comments that under public international law, each State is entitled to apply legal norms only in its own territory, and that its authorities cannot therefore take steps which would contravene positive international law. To the extent that this remark

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is to the effect that a State may only enforce its national legislation within its own territory, it is no doubt correct. However, it would be at variance with both law and precedent, to assert that public international law precludes a State from enacting laws having extraterritorial effect and providing for enforcement within the territory of the legislating State.

"With regard to the law reference is made to a pertinent passage in the Judgment of Permanent Court of International Justice in the case of the SS Lotus /Publications of the Permanent Court of International Justice Judgments, Series A 9-16, at pages 18 and 19/:

"Now the first and foremost restriction imposed by international law upon a State is that - failing the existence of a permissive rule to the contrary - it may not exercise its power in any form in the territory of another State. In this sense jurisdiction is certainly territorial; it cannot be exercised by a State outside its territory except by virtue of a permissive rule derived from international custom or from a convention.

"It does not, however, follow that international law prohibits a State from exercising jurisdiction in its own territory, in respect of any case which related to acts which have taken place abroad, and in which it cannot rely on some permissive rule of international law. Such a view would only be tenable if international law contained a general prohibition to States to extend the application of their laws and the jurisdiction of their courts to persons, property and acts outside their territory, and if, as an exception to this general prohibition, it allowed States to do so in certain specific cases. But this is certainly not the case under international law as it stands at present. Far from laying down a general prohibition to the effect that States may not extend the application of their laws and the jurisdiction of their courts to persons, property and acts outside their territory, it leaves them in this respect a wide measure of discretion which is only limited in certain cases by prohibitive rules; as regards other cases, every State remains free to adopt the principles which it regards as best and most suitable.'

"With regard to precedent, the United Kingdom Trading with the Enemy Act of 1939 (2 and 3 Geo 6 (c) 89), the United States Trading with the Enemy Act (50 USCA), and more recently, the United Kingdom-Southern Rhodesia (Petroleum) Order of 1965 (ST/1965 No. 2140), and the Southern Rhodesia (Prohibitive Export and Import) Order of 1966 (SI/1966 No. 41) all provide clear examples of national legislation controlling the activities of nationals and legal persons not only at home but also abroad and providing for enforcement at home of penalties in respect of contraventions by them abroad without such legislation being regarded as in conflict with public international law."

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B. New procedures to handle information and replies

139. In its continuous efforts to improve the speed and efficiency of its work, the Committee decided on a semi-automatic procedure to handle communications received both from Governments on pending cases and from individuals and non-governmental sources.

140. Thus, concerning communications received in connexion with the Committee's work, it was decided at the 170th meeting that they should be examined by the Secretary of the Committee, acting in consultation with the Chairman and the economic expert, following which the Secretary, in consultation with the Chairman, would prepare draft replies to be circulated to all members of the Committee with a "no-objections" slip indicating that, unless any member objected by a particular date, in which case the matter could be discussed at a later meeting, those replies would be dispatched.

141. A similar procedure has also been adopted by the Committee in connexion with communications received from individuals and non-governmental organizations.

C. Open meeting of the Committee

142. The Committee, at its first meeting on 28 October 1968, decided that, as a general rule, it should meet in closed sessions but that the possibility of open meetings should not be ruled out and would be decided on whenever a member requested such a meeting.

143. At the 174th meeting, the representative of the Sudan formally proposed that, in connexion with the fact that eight years had elapsed since the illegal and unilateral declaration of independence by the minority régime of Southern Rhodesia, the Committee should hold a public meeting in order to emphasize its continuing concern for the full and total implementation of mandatory sanctions and its preoccupation that effective power should be transferred to the people of Southern Rhodesia (Zimbabwe) on the basis of the principle of majority rule.

144. After some discussion, the Committee agreed to that proposal and decided that its 175th meeting should be an open meeting, that United Nations dignitaries particularly concerned with the work of the Committee should be personally invited and that all delegations to the twenty-eighth session of the General Assembly, as well as representatives of specialized agencies and members of the United Nations Correspondents Association (UNCA), should be invited to attend.

145. The 175th meeting was convened in the Economic and Social Council chamber on 9 November. The Chairman of the Committee opened the meeting, pointing out that it was a matter for regret that eight years after the unilateral declaration of independence the people of Zimbabwe were still under the colonial yoke but that the way in which the United Nations had first instituted sanctions and taken action

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to increase their effectiveness was a hopeful sign for the sanctions programme. She also expressed the Committee's gratitude to those who had come to demonstrate their support, and she launched a general appeal to Governments, governmental and non-governmental organizations, mass media services, officials and private individuals to lend assistance to the Committee's efforts.

146. In their successive statements, the President of the General Assembly, the Secretary-General, the President of the Security Council, the President of the Trusteeship Council, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Chairman of the Special Committee on Apartheid, the President of the United Nations Council for Namibia, the Executive Secretary of the Organization of African Unity, the Chairmen of all regional groups and the representatives of States members of the Committee all expressed confidence in the work of the Committee and their support of strict implementation of the sanctions established by the Security Council, which, in the view of some speakers, should be extended to South Africa and the Portuguese Territories. It was repeatedly stated that all Member States were under strict obligation to co-operate closely with the Committee in its efforts to render the sanctions strongly effective in fulfilment of the aim set forth in the relevant Security Council resolutions. It was also emphasized that the achievements of the Committee were not only valuable concerning the specific question of Southern Rhodesia but that they constituted a fundamental part of the first instance in which provisions of Article 41 of the Charter had been implemented.

147. The record of that open meeting has been made public in document S/AC.15/SR.175. A summary of the various statements delivered may be found in that document.
