



UNITED NATIONS  
SECURITY  
COUNCIL



788752

Distr.  
GENERAL

S/10920  
15 April 1973

ORIGINAL: ENGLISH

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15 APR 1973

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

I. INTRODUCTION

1. On 29 September 1972, in connexion with the question concerning the situation in Southern Rhodesia, the Security Council adopted resolution 320 (1972), paragraphs 4 and 5 of which read as follows:

"4. Requests the Security Council Committee established in pursuance of resolution 253 (1968) concerning the Question of Southern Rhodesia to undertake, as a matter of urgency, consideration of the type of action which could be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against the illegal régime in Southern Rhodesia (Zimbabwe) and to report to the Council not later than 31 January 1973;

"5. Further requests the Committee to examine and submit a report to the Security Council not later than 31 January 1973 on all proposals and suggestions made at the 1663rd to 1666th meetings of the Council for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia (Zimbabwe)."

2. Since then, the Committee has held 26 meetings (115th to 140th).

## II. CONSIDERATION BY THE COMMITTEE

3. At the 121st meeting on 8 February 1973, the representative of Sudan, on behalf of his own delegation and those of Guinea and Kenya, submitted a working paper entitled "Proposals on the implementation of operative paragraphs 4 and 5 of Security Council resolution 320 (1972)".
4. The Committee decided to take this paper as a basis for its discussions. It was also decided that the 24 proposals which it contained would be discussed by grouping them by subject.
5. In the course of the debate, a number of proposals were submitted by other delegations. The Committee also received various analyses and other working papers prepared by the Secretariat.
6. In view of the number and the scope of the proposals submitted to it, the Committee was compelled to request the Security Council to extend the time-limit indicated in resolution 320 (1972) for the submission of its report. Subsequently, the President of the Council informed the Committee that following consultations with the members of the Security Council, it had been agreed that the time-limit be extended first to 28 February and later to 15 April 1973. 1/
7. At its 135th meeting, the Committee interviewed Mr. Carl McDowell, President of the American Institute of Underwriters and his assistant, Mr. Roy Leiffen who appeared as expert consultant, regarding the question of marine insurance.
8. With a view to reconciling the various proposals before the Committee, a drafting group was established at the 134th meeting on 28 March. The following members were nominated to take part in its work: Australia, Indonesia, Panama, the Union of Soviet Socialist Republics, the Sudan, the United Kingdom and Yugoslavia. It was agreed, however, that, if they so wished, other delegations could join the group. The drafting group held eight meetings under the chairmanship of Indonesia. Its report was submitted to the Committee on 10 April 1973 at the 136th meeting.
9. After detailed discussion of the proposals submitted to it, the Committee agreed that the recommendations, suggestions and proposals reproduced in sections III (recommendations and suggestions) and IV (proposals) below should be included in the report. The recommendations and suggestions in section III have been accepted by all the delegations. It was not possible to reach agreement on the proposals in section IV and, consequently, it was agreed that each delegation might, if it so desired, have its position on those proposals briefly recorded.

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1/ See documents S/10873 and S/10890.

### III. RECOMMENDATIONS AND SUGGESTIONS

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).
12. 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.
13. 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.
14. The Committee recommends that all Member States should seize, in accordance with their domestic regulations, especially those based on relevant Security Council resolutions, cargoes established to be of Rhodesian origin that have been imported or have arrived for importation into their country.
15. 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 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.

16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 (S/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.

22. The Committee recommends to the Council that the Member States should be requested to inform the Committee in three months' time of the action that they have taken or intended to take with respect to the recommendations contained in paragraphs 10, 13, 14, 16, 17 and 21.

IV. PROPOSALS SUBMITTED BY THE AFRICAN DELEGATIONS (GUINEA,  
KENYA AND SUDAN) AND ALTERNATIVE PROPOSALS SUBMITTED BY  
OTHER DELEGATIONS

23. (a) African proposal

The Committee should recommend that the Security Council decide that all States should limit their purchases of chromium ores, asbestos, tobacco, pig iron, copper, sugar, maize and meat products from South Africa, Mozambique and Angola to the levels (in quantity) prevailing in 1965.

(b) USSR proposal

(i) The Committee should recommend that the Security Council decide that all States should cease their purchases of chromium ores, asbestos, tobacco, pig iron, copper, sugar, maize and meat products from South Africa, Mozambique and Angola;

(ii) The Committee should recommend to the Security Council that it institute an obligatory embargo on the sale to South Africa and Portugal of petroleum and petroleum products;

(iii) The Committee should recommend to the Security Council that it institute an obligatory embargo on the delivery to South Africa and Portugal of all types of arms, military equipment, material and munitions.

(iv) The Committee should recommend that the Security Council decide that all States should take all measures against Southern Rhodesia in accordance with Article 41 of the Charter, including complete interruption of radio, telephone, telegraphic, postal and other means of communication.

24. (a) African proposal

Member States should be requested to require that purchase contracts for goods from South Africa and the Portuguese Territories should include a clause to the effect that if goods purporting to be from those Territories turn out to be of Rhodesian origin, this would automatically render the contract void.

(b) United Kingdom proposal

The Committee should recommend that Governments whose domestic legislation or regulations do not enable them to take action against their nationals and companies who seek to evade sanctions by

(i) Importing goods from Southern Rhodesia without declaring their true point of origin,

(ii) Exporting goods for resale to Southern Rhodesia, or

(iii) Continuing to supply goods to customers in South Africa and the Portuguese Territories after it has become known to them that the customers are re-exporting the goods to Rhodesia

should be requested to enact and enforce adequate legislation or regulations as soon as possible.

(c) United States proposal

The Committee should recommend to the Council that all States should impose legal penalties on their nationals who seek to evade sanctions by importing goods from Southern Rhodesia without declaring their true point of origin.

25. (a) African proposal

The Committee should recommend to the Council that Member States should be requested to require that sales contracts between their countries and South Africa and the Portuguese Territories - especially for such goods as aircraft, vehicles, machinery spare parts etc. - should include a clause expressly forbidding any resale to Rhodesia and a clause to the effect that further sales would be prohibited should the condition be broken.

(b) French proposal

The Committee should recommend to the Council that Member States should be requested to invite the suppliers to guard against the danger of illegal re-exportation by requesting their customers to supply a certificate forbidding re-exportation to Southern Rhodesia.

(c) United Kingdom proposal

The Committee should recommend that Governments should be requested to discuss with their importers and exporters whether there are any effective and practical precautionary steps that exporters and importers could take in order to achieve more effective application of existing sanctions measures.

(d) United States proposal

The Committee should recommend to the Council that Member States should be requested to establish requirements that would forbid any resale to Southern Rhodesia of any export sales between their countries and South Africa and the Portuguese Territories, especially of such goods as aircraft vehicles and machinery spare parts.

26. The African delegations also proposed that the Committee should recommend that the Security Council decide that all States should deny landing rights to the national carriers of countries which continued to grant landing rights to aircraft from Southern Rhodesia or operate air services to Southern Rhodesia.

27. The Committee also should recommend that the Council request Member States to pass legislation to forbid insurance companies from covering air flights into or out of Southern Rhodesia.

28. It should also recommend that the Council call upon Member States to enact legislation creating impediments to the sale and transport of Rhodesian goods or of goods destined for Southern Rhodesia, specifying that no shipping lines should carry any such goods and that insurance companies should not insure such goods or ships carrying them.

29. The Committee should recommend to the Council that Member States legislate or otherwise provide that insurance companies attach warranties to all marine insurance contracts specifying that no goods of Southern Rhodesian origin are covered by the contract.

30. The United Kingdom submitted the following as an alternative proposal to paragraphs 27, 28 and 29:

The Committee should recommend that Governments should be requested to discuss with their insurance industries whether there are any practical and effective precautionary measures that insurers, whether of cargoes or of hulls (ship and aircraft), could take in order to achieve more effective application of existing sanctions measures.

31. The African delegations further proposed that the Committee should recommend to the Council that the Beira blockade should be extended to cover Lourenço Marques and that the blockade should be extended to cover commodities and products originating from Southern Rhodesia.

32. The Committee should recommend to the Security Council that the Council should inquire from Member States whether they would be willing to join with the British Navy in patrolling Beira.

33. The Committee should recommend that the United States should be requested to co-operate fully with the United Nations in the effective implementation of sanctions and to revoke its existing legislation permitting the importation of minerals from Southern Rhodesia.

34. The Committee should call upon all Member States to inform it as to their present sources of supply for chrome, asbestos, nickel, pig iron, tobacco, meat and sugar that they used to obtain from Southern Rhodesia before the application of sanctions.



## V. POSITIONS OF DELEGATIONS

35. The delegation of Australia would have been able to support more of the African proposals than had been adopted and would have liked to see some of the proposals which had been adopted put in a stronger form. It regretted the situation that had necessitated the report, namely the failure of a number of States to carry out their obligations under Security Council resolution 253 (1963).

36. The Austrian delegation wished to state that it fully agreed with the intent and the spirit of the African proposals as a whole and that it could have supported a number of those proposals on which there was no agreement in the Committee, either in their original form or with minor modifications that would not have derogated from their objectives. On some proposals, however, the Austrian delegation was unable to agree, as it considered them incompatible with Austria's domestic legal order. Nevertheless, the Austrian delegation earnestly hoped that further agreement could be reached at a later stage, once a thorough discussion had led to a fuller appreciation of the highly complex legal and technical problems involved.

37. The delegation of China stated that, in view of the fact that the South African authorities and the Portuguese Government had long violated the sanctions against Southern Rhodesia by every means, the Security Council should adopt resolutions to expand the sanctions to cover South Africa and Portugal. The Chinese delegation supported the proposals submitted by the African countries as preliminary measures to strengthen sanctions against Southern Rhodesia.

38. The delegation of France stated that it was in favour of the recommendations, the purpose of which was to strengthen the sanctions. In its view, practical measures for applying the sanctions should be considered, on the basis that the prime criterion for such measures must be their effectiveness. It was from that standpoint that it had endorsed the paragraphs contained in section III.

39. With regard to the paragraphs on which it had not been possible to reach a consensus, France wished to observe that it had no objections of principle concerning paragraphs 28, 29, 33 and 34.

40. The delegations of Guinea, Kenya and the Sudan stated that a number of replies given to the Committee by Mr. Carl McDowell and Mr. Roy Leiffen, who, on its invitation, had appeared before the Committee at its 135th meeting on 3 April 1973 and answered Committee members' questions, confirmed that the African proposals in paragraphs 27, 28 and 29 were realistic and necessary, that the action envisaged would be possible and would constitute an important contribution to the sanctions effectiveness.

41. The delegations of Guinea, Kenya and the Sudan accepted the proposals submitted by the delegations of the People's Republic of China and the USSR. Those proposals reflected fully the African position. If the African delegations had not put forward those same views in their original proposals to the Committee, it was only because it was felt that there existed room for accommodation of various views and points of interest. The African proposals were therefore the bare minimum requirements.

42. The delegations of Guinea, Kenya and the Sudan continued to believe that it was South Africa and Portugal that were mainly responsible for Security Council sanctions violation.

43. The African delegations would therefore continue to press such views in the Security Council and to seek measures to extend sanctions to cover South Africa and Portugal.

44. Having fully supported the proposals of the delegations of Guinea, Kenya and the Sudan, as submitted to the Committee and adopted as the basic working paper for the Committee's work on the second special report, the following delegations would continue to support the African proposals and positions contained in section IV of the report: India, Indonesia, Panama, Peru and Yugoslavia.

45. The delegation of Indonesia believed that it had, in a very modest way, contributed to the formulation of the proposals as they appeared in the African working paper. Those proposals, as they stood, would be adequate for the purpose of putting effective pressures on those countries which did not pay heed to the various Security Council resolutions on sanctions. As such, those proposals had the all-out support of the Indonesian delegation, which would have been happy indeed if those proposals could have been accepted in their entirety by the Committee. That, however, had proved impossible. The delegation of Indonesia had also contributed in a modest manner to the work of the drafting group that had been entrusted by the Committee to locate possible areas of agreement as well as those areas where agreement was not possible.

46. The report produced by the drafting group had presented some formulas that could be agreed upon in principle by the drafting group. The delegation of Indonesia was not completely satisfied with those agreed formulas, since they did not seem to be adequate enough for the purposes mentioned in paragraph 4 of resolution 320 (1972). None the less, for the sole purpose of achieving unanimity, the Indonesian delegation was prepared to support the proposals that had been agreed upon by the whole Committee.

47. With regard to those proposals that were in the unagreed portion, the Indonesian delegation wished to express its support for the text in the original African working paper. The various amendments to those original proposals were unacceptable to the Indonesian delegation.

48. When the African document had been introduced by the representative of the Sudan, the delegation of Peru had expressed its agreement with the measures proposed therein. During the consideration of those proposals by the Committee, it had been found impossible to reach unanimous agreement on all of them, and the proposals on which there was no agreement had therefore been included in section IV of the Committee's report. Faced with that situation, the delegation of Peru reaffirmed its support for the proposals of the African countries. In section IV of the report, it considered that paragraphs 23 (a), 24 (a) and 25 (a) referred to specific situations which were in fact at the centre of the problem of sanctions violations. Paragraph 23 (a) referred to a specific aspect of the

problem, namely the export of goods of Southern Rhodesian origin through South Africa and the Territories under Portuguese administration; the Peruvian delegation was in agreement with the contents of that paragraph as it appeared in the African document. Paragraphs 24 (a) and 25 (a) contained very constructive suggestions for the avoidance of sanctions violations because the inclusion of clauses whereby purchase and sales contracts with South Africa and the Portuguese Territories would be rendered null and void if it was found that the goods involved were of Southern Rhodesian origin, and a clause prohibiting resale to Southern Rhodesia were effective measures which might well be considered in connexion with the internal legislation of countries.

49. Paragraphs 26, 27, 28 and 29 contained practicable proposals in that States could enact legislation forbidding insurance companies from covering goods of Southern Rhodesian origin, especially since, in the opinion of the insurance expert consulted by the Committee, insurance companies knew the origin of the goods which they insured.

50. Lastly, the Peruvian delegation reaffirmed its agreement with the content of paragraphs 31, 32, 33 and 34 in section IV of the report.

51. The Soviet delegation stated that, in its view, the recommendations and proposals of the Committee to the Security Council contained in its report were inadequate from the point of view of discharging the mandate given to the Committee under Security Council resolution 320 (1972). They did not include either recommendations concerning the type of action which could be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against the illegal régime in Southern Rhodesia, as provided in that resolution, or recommendations for extending the scope of sanctions against Southern Rhodesia, as provided in that resolution.

52. The Soviet delegation to the Committee proposed that, in view of the fact that South Africa, as well as Angola and Mozambique which were under the colonial domination of Portugal, were the main gates through which illegal trade with Southern Rhodesia was carried on in violation of the Security Council sanctions the Committee should recommend in its report to the Security Council that all States should cease their purchases of chromium ores, asbestos, tobacco, pig iron, copper, sugar, maize and meat products, in other words of goods which were Southern Rhodesia's main exports, from South Africa, Mozambique and Angola; that an obligatory embargo should be instituted on the sale to South Africa and Portugal of petroleum and petroleum products; and that an obligatory embargo should be instituted on the delivery to South Africa and Portugal of all types of arms, military equipment, material and munitions.

53. The Soviet delegation proposed the following specific expansion of sanctions against Southern Rhodesia: that all States, in accordance with Article 41 of the Charter, should completely sever all radio, telephone, telegraphic, postal and other means of communication with Southern Rhodesia.

54. The Soviet delegation also supported the proposals along those lines submitted by the African countries which are members of the Committee.

55. The United Kingdom delegation stated that it shared what it understood to be the principal objective underlying the proposals originally put forward by the three African delegations, namely, that "in view of the open persistent refusal of South Africa and Portugal to implement sanctions against the illegal régime in Southern Rhodesia" (paragraph 4 of Security Council resolution 320 (1972)) the essential aim was to ensure that all countries' imports to and exports from South Africa and the Portuguese Territories were confined to what is legitimate trade, that is, to goods and products which, in fact, originated in those Territories or were destined for them and were not disguised Rhodesian exports or imports. It had therefore sought in the Committee to co-operate in the refinement and adaptation of the proposals as originally submitted in such a way as to contribute towards the attainment of that objective; and accordingly welcomed the agreement that had been reached on the recommendations and suggestions in section III of the report which fell into that category and regretted that it could not endorse those proposals in section IV which did not.

56. Existing sanctions provisions were comprehensive in scope and, if fully applied by States professing to support sanctions, would eliminate the considerable volume of trade through South Africa and the Portuguese Territories. However, since existing provisions were not being adequately applied, it was useless to add new measures with no guarantee that they would be any more adequately enforced than the existing measures. Consequently, the United Kingdom delegation could not accept the proposals contained in paragraphs 23, 26, 31 and 32 in section IV. To that it should be added that some of the other proposals in that section involved technical issues, as well as matters relating to domestic law and international trade law, which had not been adequately considered by the Committee. Accordingly the United Kingdom delegation was unable to endorse them. Finally, the United Kingdom delegation wished to state that it had no objection to paragraphs 33 and 34 in section IV.

57. The delegation of the United States expressed appreciation to the delegations of Guinea, Kenya and the Sudan for the submission of their 24-point working paper. Though all the proposals in the working paper had not received unanimous approval, the paper played a very important role as the basis for the Committee's work. The United States was pleased that a number of the proposals had eventually been agreed on and hoped that those recommendations would lead to stricter and more widespread observance of sanctions. The United States had attempted to reduce the number of proposals on which agreement had not been reached by submitting alternatives that might have attracted the full support of the Committee and made the sanctions more effective.

58. The United States believed that the special report would have been best introduced if its first paragraph had incorporated paragraph 25 plus: "In addition, the Committee recommends that the Security Council request that where Member States' imports of the commodities specified above are greater than exports of these products to them as reported by South Africa, Angola or Mozambique, such Member States should take all possible steps to ensure that none of these imports is of Rhodesian origin".

59. The representative of the United States noted his very strong reservations about paragraph 33 in its present form. Though supporting the programme of sanctions established by Security Council resolution 253 (1968) and section III of the special report, the United States had to take into account its legislation concerning strategic materials. The United States wished to point out that discrepancies in statistics between trading countries could well indicate violations of the sanctions programme. Investigation, however, could reveal that discrepancies were due to statistical error.

60. The Yugoslav delegation recalled the Yugoslav Government's position expressed in its note of 24 August 1972 to the Committee that "sanctions against Southern Rhodesia could be fully effective only if they were applied against Portugal and South Africa as well". 1/

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1/ See document S/10852, paras. 51 and 52.