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SECOND INTERIM REPORT OF THE COMMITTEE ESTABLISHED IN PURSUANCE  
OF SECURITY COUNCIL RESOLUTION 253 (1968)

Introduction

1. On 3 December 1971, the Committee established in pursuance of Security Council resolution 253 (1968) submitted to the Security Council an interim report, 1/ in which it drew the attention of the Council to new legislation enacted by the United States Government that could permit the importation into that country of chrome ore from Southern Rhodesia after 1 January 1972.

2. A few weeks later, the Security Council discussed the question of the situation in Southern Rhodesia and, on 28 February 1972 it adopted resolution 314 (1972) by which it restated its position with regard to the imposition of sanctions on Southern Rhodesia. Paragraphs 1 and 3 of this resolution read as follows:

"The Security Council,

"...

"1. Reaffirms its decision that the present sanctions against Southern Rhodesia shall remain fully in force until the aims and objectives set out in resolution 253 (1968) are completely achieved;"

"...

"3. Declares that any legislation passed, or act taken, by any State with a view to permitting, directly or indirectly, the importation from Southern Rhodesia of any commodity falling within the scope of the obligations imposed by resolution 253 (1968), including chrome ore, would undermine sanctions and would be contrary to the obligations of States."

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1/ S/10408.

Consideration by the Committee

3. At the 67th meeting of the Committee, on 20 March 1972, the representative of Somalia drew the urgent attention of the Committee to various reports that a shipment of chrome ore of Southern Rhodesian origin was en route to a United States port on a ship flying the Argentine flag, the Santos Vega.
4. The shipment of Rhodesian chrome ore was reported by other sources to be the first United States purchase of Southern Rhodesian goods since the imposition of sanctions in 1966. The action was said to have been taken in accordance with the new legislation enacted by the United States Government as the "Byrd provision", which had made the importation of chrome ore from Southern Rhodesia into the United States permissible as of 1 January 1972, as the Committee had indicated in its interim report to the Security Council of 3 December 1971.
5. At the same meeting, the representative of Argentina, supplementing the information provided by the permanent representative of his country on 18 February 1972 to the Security Council (S/PV.1645), conveyed to the Committee the following information concerning the action his Government had taken with regard to the case, in which a ship flying the Argentine flag was said to be involved. On 3 March 1972, the Under-Secretary for the Merchant Marine had addressed a note to the Under-Secretary for Foreign Affairs and Culture, in reply to a note dated 28 February 1972 requesting information on the Santos Vega case. The note informed the Under-Secretary for Foreign Affairs that a note dated 3 March 1972 had been sent to Gotaas Larsen, the shipping company which owned the Santos Vega, asking for information on the case and quoting Security Council resolution 253 (1968), paragraph 3 (c). A similar note had been addressed to the President of the Centro Maritimo de Armadores Argentinos requesting that decree No. 1196/66 be implemented and quoting the same part of Security Council resolution 253 (1968). Such action indicated, he said, that his Government was taking action to ensure that the Security Council sanctions against Southern Rhodesia were implemented and that it would do all it could within the law to see that evasions of the sanctions did not occur.
6. The Committee agreed without objection that further information concerning the matter was required. After a lengthy discussion and without prejudice to the different points of view expressed on the procedure to be followed to obtain such further information, the Committee requested the representatives of the United States and Argentina to draw this question to the attention of their Governments and to provide information to the Committee as soon as possible.
7. At the 68th meeting, held on 22 March 1972, the representative of the United States, under instructions from his Government, informed the Committee that the Santos Vega had already docked in the United States and that she had begun off-loading 27,902 tons of Rhodesian chrome ore at Burnside, Louisiana. The ore had originally been loaded on the ship on 20 February 1972 at Beira, Mozambique. This shipment of chrome ore was imported under the terms of the "Byrd provision", a copy of which had been circulated to all members of the Committee in November 1971. The representative of the United States added that although he

was not in a position to state whether there would be other shipments of chrome ore into the United States in the future, his Government was prepared to report to the Committee on a quarterly basis concerning any future shipments.

8. At the same meeting the Committee was informed that, according to press reports, the shipment aboard the Santos Vega had been unloaded after having encountered considerable difficulty. A group of persons had picketed the docks in protest against the import of Southern Rhodesian goods, and the International Longshoremen's Association had refused to unload the shipment, which had finally been unloaded by labourers specifically hired for that purpose.

#### Action taken by the Committee

9. The representative of Yugoslavia said that in view of, inter alia, the information provided by the representative of the United States and press reports that other ships were about to carry more ore to the United States, Governments should be warned of the likelihood of further attempts to ship ore out of Southern Rhodesia. He then proposed that, in the light of Security Council resolution 314 (1972), the Secretary-General should be requested to send a note to all Governments, asking them to take any necessary measures to alert shipping concerns, other carriers and allied interests in their country to the danger of being in breach of sanctions through participating in transactions concerning Southern Rhodesian chrome ore, in order to prevent them from taking part directly or indirectly in such transactions contrary to the provisions of Security Council resolution 253 (1968). No objection was raised to this proposal, and the Committee decided to request the Secretary-General to send the above-mentioned note, the text of which is annexed hereto.

10. The Committee noted that the present case was closely linked with the substance of its interim report to the Council of 3 December 1971. In the light of the information provided by the United States representative acknowledging the importation of chrome ore from Southern Rhodesia, the Committee considers that it would be proper, within the framework of resolutions 253 (1968), 277 (1970) and 314 (1972), for it to report the case to the Security Council as a matter of urgent concern.

Annex

TEXT OF NOTE VERBALE

The Secretary-General of the United Nations presents his compliments to . . . . . and in the light of paragraph 1 of Security Council resolution 314 (1972), which reaffirms that the present sanctions against Southern Rhodesia shall remain fully in force, has the honour to draw his attention to the following matter at the request of the Committee established in pursuance of Security Council resolution 253 (1968).

As a result of new legislation called the "Byrd provision" enacted by the United States, chrome ore and various other minerals of Southern Rhodesia origin have been allowed to enter the United States since 1 January 1972. The first case of a transaction under the terms of this provision was recently brought to the attention of the Committee, which at once reported the matter to the Security Council.

Since this first case consisted of a shipment of chrome ore to the United States aboard a ship of another nationality, the Committee decided at its 68th meeting that the attention of all Governments should be drawn to the matter in accordance with resolutions 253 (1968), 277 (1970) and 314 (1972), so that they might consider any special measures, if necessary, to prevent participation by their nationals in transactions contrary to the above resolutions.

The Committee pointed out in that regard that such participation could take various forms and asked that Governments should take any necessary measures to alert shipping companies, other carriers and allied interests or services to the danger of being in breach of sanctions. The Committee drew attention to paragraph 3 (c) of Security Council resolution 253 (1968), which requires Governments to prevent the shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories, of any commodities or products originating in Southern Rhodesia and exported therefrom; and to paragraph 3 (b) of the same resolution, which requires Governments to prevent any activities by their nationals or in their territories that would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia.

The Committee pointed out also that the Salisbury régime might try to import consumer goods and/or investment goods with the proceeds of its sales of minerals. The Committee decided therefore to draw attention to the obligations flowing from paragraphs 3 (d) and 4 of resolution 253 (1968).

