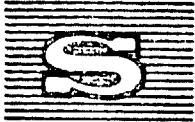


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LETTER DATED 6 OCTOBER 1971 FROM THE CHAIRMAN OF THE
SPECIAL COMMITTEE ON APARTHEID ADDRESSED TO THE
PRESIDENT OF THE SECURITY COUNCIL

During the past year, the Special Committee on Apartheid has had to devote considerable attention to the implementation of the arms embargo against South Africa because of the failure of certain States to implement the provisions of Security Council resolution 282 (1970) and General Assembly resolution 2624 (XXV).

In a letter dated 7 May 1971 (S/10190) I transmitted to the Security Council, on behalf of the Special Committee on Apartheid, available information on breaches of the arms embargo and stated that "the Special Committee on Apartheid considers it essential that all breaches of the arms embargo by States concerned should be stopped forthwith if the purpose of the measure is not to be defeated."

Regrettably, it has since been brought to the attention of the Special Committee that an agreement had been concluded between the Armaments Development and Production Corporation of South Africa, Ltd. and a French aviation company for the manufacture in South Africa of Mirage III and F-1 aircraft. The Special Committee conveyed its concern to the Government of France through its permanent representative to the United Nations and emphasized that the arms embargo by the Security Council had not made any distinction between arms for internal repression and arms for external defence.

* A similar letter addressed to the President of the General Assembly is reproduced in document A/SPC/145.

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At the request of the Special Committee I have the honour to transmit to you: (a) a statement made by the Chairman of the Special Committee on Apartheid at the 180th meeting of the Special Committee, on 3 September 1971,^{1/} containing an oral reply received from the Chargé d'Affaires of the Permanent Mission of France; and (b) a note by the Rapporteur of the Special Committee^{2/} on "Recent developments concerning military co-operation by France with South Africa."

(Signed) Abdulrahim A. FARAH
Chairman
Special Committee on Apartheid

^{1/} See annex.

^{2/} A/AC.115/L.313.

Annex

STATEMENT MADE BY THE CHAIRMAN OF THE SPECIAL COMMITTEE ON APARTHEID
AT THE 180TH MEETING OF THE SPECIAL COMMITTEE ON 3 SEPTEMBER 1971,
CONTAINING AN ORAL REPLY RECEIVED FROM THE CHARGE D'AFFAIRES OF THE
PERMANENT MISSION OF FRANCE*

The CHAIRMAN said that on 31 August he had had a meeting with the Chargé d'Affaires of the Permanent Mission of France, as requested by the Special Committee, to discuss the question of whether France had agreed to licence the production of Mirage aircraft in South Africa. It had been hoped that the French position would be conveyed in the form of a written communication but the Permanent Mission of France had preferred to indicate its position orally. He had prepared a text of that oral communication, which read as follows:

"The French Chargé d'Affaires said that by nature and education the French people had no prejudices based on race and colour. That attitude stemmed from a secular tradition. France condemned racial discrimination and particularly apartheid. In conformity with that attitude the French Government had decided to prohibit the sale to South Africa of weapons which that country could use for internal police operations dictated by racist prejudices. Such prohibition was announced on 7 August 1963 by the Permanent Representative of France. The list of prohibited arms was extended on 4 December 1963 when France informed the Security Council that it would also prohibit the sale of equipment and material which could be used for the manufacture of those weapons.

"The French Chargé d'Affaires said France had been guided in the establishment of that list of prohibited arms by the fundamental distinction between arms which could be used in anti-guerilla operations and arms which could be used for defence against external threats. Under the former category France had prohibited the sale to South Africa of light weapons which could be used in so-called police operations such as slow observation planes, slow ground-attack planes, automatic weapons, light mortars, flame throwers and ammunition for those weapons, including napalm bombs and grenades. That list, he said, had recently been extended by the addition of helicopters and light armoured vehicles.

"With regard to the second category of arms, i.e. arms for defence against external threats, the French Chargé d'Affaires emphasized that South Africa could purchase such arms from France under the same conditions

* Extract from document A/AC.115/SR.180 (pp. 2-4). The statement of the Chairman was reproduced in extenso in that document, pursuant to a decision of the Special Committee (A/AC.115/SR.180, p. 11).

as any other State. Such arms were suitable only for external defence and in conflict situations involving the employment of regular armies. Arms falling into that category included high-speed planes, reconnaissance planes, transport and liaison planes, air-defence systems, naval material, tanks, anti-tank weapons, heavy artillery and heavy mortars.

"The French Chargé d'Affaires stated that the distinction between the different categories of weapons according to their use was implicitly admitted by the Security Council in its resolution 181 of 7 August 1963. Four months later, he claimed, the Security Council noted with satisfaction the assurances given by Governments within the framework of resolution 181 of 1963. Among the assurances was a statement by the French delegation which established a distinction between the two types of weapons.

"The French Chargé d'Affaires stated that it was on the basis of that distinction that one should assess the recent deliveries of 'Mirage' planes to South Africa. He explained that they were planes of high performance and could be used only as interceptor aircraft or for aerial combat. In view of their high minimum speed, his Government considered that they were absolutely unsuitable for use in anti-guerilla operations. The French Chargé d'Affaires said that it was normal that the South African Government should try to organize its external defence and that it should acquire such material and equipment in France. He emphasized that the co-operation which was envisaged between the industrialists of the two countries was the result of direct agreements between interested firms and did not result, in any way, from military co-operation between the two Governments.

"The French Chargé d'Affaires was firm in his opinion that the sale of 'Mirage' planes, as well as the licensing for the production of these planes in South Africa, would not strengthen the anti-guerilla potential of South Africa. Finally, the French Chargé d'Affaires stated that none of the deliveries made to South Africa by French companies could assist the South African Government in any possible operations of internal repression. Any criticism expressed in this regard against the French Government was, in his view, unfounded."

He had explained to the Chargé d'Affaires that the verbal communication begged the question; the Special Committee had wanted to know whether there was any truth in the report published in the international press that France had agreed to licence the production of Mirage aircraft in South Africa. He had pointed out that that question had not been answered in the oral communication and had expressed the hope that it could be answered one way or the other and had said that unless there was a final denial the Special Committee would have every reason to conclude that such a licence had been given. The Chargé d'Affaires had agreed that the communication had not been clear on that point and had said he would endeavour to give a specific answer in due course.
