



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/12450*
21 November 1977

ORIGINAL: ENGLISH

INTERIM REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED
IN PURSUANCE OF RESOLUTION 253 (1968) CONCERNING THE
QUESTION OF SOUTHERN RHODESIA REGARDING THE IMPLEMENTATION
OF PARAGRAPHS 3 AND 12 OF SECURITY COUNCIL RESOLUTIONS
409 (1977) and 411 (1977), RESPECTIVELY

1. On 27 May 1977, the Security Council, having considered the Committee's second special report (S/12296) on the expansion of sanctions against Southern Rhodesia, adopted resolution 409 (1977), paragraph 3 of which reads as follows:

"The Security Council,

...

"Decides to meet not later than 11 November 1977 to consider the application of further measures under Article 41 of the Charter, and meanwhile requests the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to examine, in addition to its other functions, the application of further measures under Article 41 and to report to the Security Council thereon as soon as possible."

2. On 30 June 1977, the Security Council, after considering the complaint by Mozambique, adopted resolution 411 (1977), paragraph 12 of which reads as follows:

"The Security Council,

...

"Calls upon all States to implement strictly Security Council resolutions on sanctions and requests the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia to examine as a matter of priority further effective measures to tighten the scope of sanctions in accordance with Article 41 of the Charter and urgently submit its appropriate recommendations to the Council."

3. Bearing in mind the significance of further aspects of the question of the

* Reissued for technical reasons.

expansion of sanctions not already covered in the Committee's previous special reports on that subject (S/11913 and S/12296), the Committee had decided to retain in its programme of work for 1977 the general subject entitled "Expansion of sanctions against Southern Rhodesia". Subsequently that subject was considered together with the item entitled "Implementation of paragraphs 3 and 12 of Security Council resolutions 409 (1977) and 411 (1977) respectively". A number of specific proposals and observations pertaining to the expansion of sanctions were submitted by members of the Committee (see appendix).

4. Besides raising the question of the expansion of sanctions at different meetings, the Committee devoted four meetings specifically to the consideration of implementation of paragraphs 3 and 12 of Security Council resolutions 409 (1977) and 411 (1977) respectively. The present interim report was adopted at the 300th meeting on 17 November 1977.

5. In the course of the discussion it appeared that there was a measure of agreement on some of the proposals under consideration, although not all delegations had yet expressed their views on those proposals and no consensus had been reached on any of them. Many of the delegations indicated their belief that the proposals represented the measures necessary to exert continued pressure against the illegal régime in Southern Rhodesia. They strongly contended that such measures would render the present sanctions more effective. Other delegations expressed reservations in supporting some of the proposals, some delegations citing, inter alia, constitutional barriers in their countries that would make the implementation of measures based on such proposals difficult. All the delegations shared the conviction, however, that a further expansion of sanctions was an important weapon against the illegal régime in Southern Rhodesia.

6. At the 299th meeting on 10 November 1977, the Committee discussed the question of the submission of the report requested by the Security Council in resolutions 409 (1977) and 411 (1977). The representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America took the position that, in view of the current developments concerning Southern Rhodesia as a whole, it would be prudent to defer submission of the report. They were supported by the representatives of Canada, France and the Federal Republic of Germany. Bearing in mind the current negotiations, in some of which the representative of the United Nations Secretary-General was also involved, they felt that the time was not opportune for recommending to the Council any further specific measures before the outcome of those negotiations was known.

7. On the other hand, the other 10 members of the Committee felt that the Committee was obliged, under the provisions of the relevant Security Council resolutions, to submit the requested report as soon as possible. They were of the opinion that further sanctions were indispensable. Besides, the question of the timing for considering further measures against the illegal régime in Southern Rhodesia was for the Security Council to decide when the Committee's report was before it. The representatives of Benin, India, the Libyan Arab Jamahiriya, Mauritius, Pakistan, Panama, Romania, the Union of Soviet Socialist Republics and Venezuela, stressed that the Committee had a specific mandate entrusted to it by the Security Council and should fulfil it. They were in favour of the strengthening

/...

and expansion of sanctions against the illegal régime in Southern Rhodesia, and believed that the Committee should proceed with this work. The representative of China pointed out that his delegation had not participated in the vote on Security Council resolution 415 (1977) concerning the appointment of a representative of the Secretary-General; his delegation was in favour of the strengthening and expansion of sanctions against Southern Rhodesia, and believed that the Committee should proceed with its work. The USSR delegation pronounced itself in favour of the expansion of sanctions to the full extent of Article 41 of the Charter.

8. The Committee achieved consensus to the effect that it should submit to the Security Council an interim report which would reflect the current status of the Committee's deliberations in fulfilment of the mandate entrusted to it under the provisions of paragraphs 3 and 12 of Security Council resolutions 409 (1977) and 411 (1977), respectively. Consequently, it was agreed that the interim report would indicate all the proposals so far under consideration, as well as the positions of delegations in the Committee with reference to consideration of those proposals and to the timing of the submission of the full report.

/...

APPENDIX

Proposals submitted by members of the Committee

1. Proposals by the Union of Soviet Socialist Republics. At the 286th meeting on 22 April 1977, the representative of the USSR submitted the following proposals:

"(a) The Committee should give priority consideration to measures to expand sanctions against Southern Rhodesia in application of all the provisions of Article 41 of the United Nations Charter: the termination of rail, sea and air links (including the denial of landing rights to national carriers which grant landing rights to aircraft from Southern Rhodesia or have air links with Southern Rhodesia) and the severance of postal, telegraph, radio and other ties. It should prepare a special report containing recommendations on such an expansion of sanctions against Southern Rhodesia for submission to the Security Council;

"(b) In accordance with the decisions of the Security Council (resolution 253 (1968), paragraph 21, and resolution 277 (1970), paragraph 22), the United Kingdom should provide the Committee with information with a view to ensuring that all the measures provided for in resolutions 232 (1966), 253 (1968) and 277 (1970) are rendered fully effective. In particular, the United Kingdom should:

"(i) Take all measures to halt political repression and other violations of the fundamental rights and freedoms of the people of Zimbabwe (resolution 253 (1968), paragraph 1);

"(ii) Take all effective measures to enable the people of Zimbabwe to exercise their right to self-determination and independence (resolution 253 (1968), paragraph 2, and resolution 277 (1970), paragraph 4);

"(iii) To ensure that no settlement is reached without taking into account the views of the people of Zimbabwe (resolution 253 (1968), paragraph 17).

The Committee should, as a matter of urgency, request information from the United Kingdom on how it has complied with all three of the above-mentioned instructions of the Security Council.

"(c) The Committee should consider the preparation of a comprehensive fact-sheet containing the available facts relating to overt violations of sanctions and the over-all volume and value of such trade conducted in violation of the binding decisions of the Security Council and the publication of that fact-sheet as a Committee document;

"(d) The Committee should also consider the formulation of general procedures for considering specific cases, with special emphasis on

/...

consideration of the activities of countries to which 20 or more notes concerning possible violations of sanctions have been sent. As a first step in that direction, it should consider publication of a list of such countries; and

"(e) The Committee should consider discontinuing the practice of holding closed meetings, opening its meetings to all States Members of the United Nations and taking further steps to ensure that its work is widely publicized."

2. Proposals by India. At the 296th meeting on 28 July 1977, the representative of India submitted for consideration by the Committee the following proposals in the form of a possible draft resolution to be submitted to the Security Council:

"The Security Council,

"Reaffirming its resolutions 216 (1965), 217 (1965), 221 (1966), 232 (1966), 253 (1968), 277 (1970), 338 (1976), 409 (1977) and 411 (1977),

"Reaffirming also that the measures provided for in those resolutions, as well as the actions taken by Member States in pursuance thereof, shall be strengthened, as they have not yet resulted in the desired objective,

"Taking into account the report made by the Security Council Committee established in pursuance of resolution 253 (1968) on the application of further measures under Article 41 of the Charter of the United Nations to tighten the scope of the sanctions,

"Considering that no greater collective peaceful contribution can be made to the termination of the illegal régime in Southern Rhodesia than the more effective application of comprehensive, mandatory and strictly supervised sanctions against the sale or export of petroleum and petroleum products, directly or indirectly, to Southern Rhodesia,

"Conscious that certain South African subsidiaries of oil companies of some Member States are involved in the violation of oil sanctions against Southern Rhodesia, with or without the knowledge of their parent companies,

"Reaffirming that the situation in Southern Rhodesia continues to be a threat to international peace and security and calls therefore for further tightening of sanctions,

"Acting under Chapter VII of the Charter of the United Nations,

"1. Decides that Member States shall re-examine their sanctions legislation and enforcement measures with a view to extending their application to the subsidiaries, if any, of such of their corporate entities that may be established in South Africa, so as to prohibit the sale or export of petroleum and petroleum products by them, directly or indirectly, to Southern Rhodesia and to prescribe deterrent penalties on parent oil companies in cases of violations of sanctions by their subsidiaries, and

/...

"2. Urges, having regard to the principle stated in Article 2, paragraph 6, of the Charter of the United Nations, States not Members of the United Nations to act in accordance with the provisions of the present resolution."

3. Proposals by the Libyan Arab Jamahiriya. At the 296th meeting on 28 July 1977, the representative of the Libyan Arab Jamahiriya put forward the following proposals which were reiterated at the 297th meeting on 13 October 1977:

"(a) The attention of the Commission on Transnational Corporations should be drawn to the activities of transnational companies involved in economic dealings with Southern Rhodesia, particularly the five oil companies reported to be supplying oil and oil products to Southern Rhodesia, so that the Commission should take account of them when issuing its policy guidelines.

"(b) Mandatory sanctions against the illegal régime in Southern Rhodesia should be expanded to include all the measures envisaged in Article 41 of the Charter.

"(c) Mandatory sanctions should be extended to the racist régime in South Africa."

4. Proposals by Benin. At the 297th meeting on 13 October 1977, the representative of Benin made a number of observations and submitted proposals ensuing therefrom.

The text of the observations is as follows:

"Now that the United States has announced the abrogation of the 'Byrd Amendment', the remaining gaps, which are well known to the Committee, are the following:

- "(a) South Africa - Gives direct assistance to Southern Rhodesia by allowing the free flow of imports and exports.
- Facilitates the issue of false documents regarding the origin or destination of goods coming from or destined for Southern Rhodesia.
 - Facilitates foreign or international loans as well as plans for investment schemes in Southern Rhodesia.
 - Facilitates international communications with Southern Rhodesia, especially in the form of direct and inter-line air traffic.
 - Refuses to co-operate with the Committee by failing to reply to any of its requests for information.

/...

- "(b) Switzerland - Its avowed policy of continuing to trade with Southern Rhodesia up to a certain point.
- The expanding role of Swiss companies which serve as intermediaries in the flow of Southern Rhodesian trade, as the result of the Swiss Government's policy of non-interference in business conducted outside the country by Swiss companies.
 - The unsatisfactory replies submitted to the Committee to requests for inquiries.
- "(c) Gabon (possibility) - The Committee has not yet received firm assurance from the Gabonese Government that the Affretair airline (now incorporated in Air Gabon) does not transport meat, meat products or other commodities between Southern Rhodesia and Europe. The Committee is seriously concerned at the fact that the former owners of Affretair, suspected of being Southern Rhodesians, may now be part owners of Air Gabon."

The proposals submitted in the light of those observations are the following:

- "(a) South Africa: Mandatory sanctions should be applied to cover the supply of oil, weapons and munitions to South Africa and voluntary sanctions instituted in other areas. More specifically, the Committee should recommend to the Security Council the imposition of an oil embargo against South Africa until the South African Government provides reliable and verifiable guarantees that oil is not being shipped to Southern Rhodesia.
- "(b) Gabon and Switzerland: A special appeal, in the form of a Security Council resolution should be made requesting those two Governments to be more co-operative and not to thwart the attainments of the goals of the international community.
- "(c) An effort should be made to expel from IATA all airlines which continue to have inter-line agreements with Air Rhodesia or which continue to have direct air communications with Southern Rhodesia. An appeal should be made to all other airlines to terminate their bilateral agreements with such airlines if they have any (such a request must, of course, be made to the Member States to which the airlines involved belong).
- "(d) The 'exemptions' appearing in resolution 253 (1968) should be eliminated completely, or at least more strictly applied, so that Governments wishing to help Southern Rhodesia for humanitarian, educational or medical purposes may inform the Committee of their wish so that the latter may itself decide as to the validity of or need for the aid proposed before it is provided to Southern Rhodesia.

/...

"(e) Sportsmen, tourists, businessmen and mercenaries should be prohibited from travelling to Southern Rhodesia for any purpose whatsoever. The Governments which claim they are unable to prevent such journeys with appropriate legislation can be called upon to take measures against their citizens when it has been proved that they have travelled to Southern Rhodesia without authorization (if the Committee is duly informed of the circumstances of the journey, authorizations can be given to the representatives of Governments, or to individuals travelling at the request of or on behalf of a Government).

"(f) The scope of resolution 409 (1977) should be broadened to include prohibition of the transfer of private funds from Southern Rhodesia abroad, especially funds deriving from investments in Southern Rhodesia and intended for individuals or companies."
