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

I. INTRODUCTION

1. On 28 February 1972, in connexion with the question concerning the situation in Southern Rhodesia, the Security Council adopted resolution 314 (1972), paragraph 6 of which reads as follows:

"The Security Council,

.....

"Requests the Committee established in pursuance of Security Council resolution 253 (1968) to meet as a matter of urgency to consider ways and means by which the implementation of sanctions may be ensured and to submit to the Security Council not later than 15 April 1972 a report containing recommendations in this respect, including any suggestions which the Committee might wish to make concerning its terms of reference and any other measures designed to ensure the effectiveness of its work,"

2. Since then, the Committee has held 38 meetings (64th to 101st, between 13 March and 8 May 1972).

II. CONSIDERATION BY THE COMMITTEE

3. In the course of the debate, some delegations suggested that it would be useful if in the preparation of this special report the Committee could benefit from the experience of other organs or persons particularly competent in the matter. The Committee therefore requested the Secretary-General to inquire whether the Commonwealth Sanctions Committee (London) and the Sanctions and Decolonization Section of the Organization of African Unity (Addis Ababa) would be in a position to provide any comments which the Committee might take into account in preparing its report. The Committee received a preliminary reply from the Commonwealth Secretary-General in his letter dated 11 April and noted that the matter would be placed before the Commonwealth Sanctions Committee at its next meeting. The Organization of African Unity sent an interim reply but was unable to provide its comments before the completion of this report.

4. Several delegations having presented or recalled proposals during their statements, the Committee was seized with four lists of concrete proposals submitted by the following delegations:

- (i) Guinea, Somalia and Sudan (proposals circulated on 7 April);
- (ii) Union of Soviet Socialist Republics (proposals circulated on 24 April);
- (iii) China (proposals circulated on 28 April);
- (iv) Guinea, Somalia and Sudan (supplementary proposals circulated on 4 May).

5. In view of the large number of proposals submitted to the Committee and of the need to communicate with other organs outside United Nations Headquarters, the Committee was obliged to seek from the Security Council an extension of the time-limit established in resolution 314 (1972) for the submission of its report. Subsequently the President of the Council informed the Committee that, following consultations among the members of the Council, there was no objection to the Committee's request to extend the time-limit first to 30 April and later to 8 May 1972. 1/

6. After detailed discussion of the four lists of proposals, the Committee agreed that the recommendations, suggestions and proposals reproduced in parts III (recommendations and suggestions) and IV (proposals) below should be included in the report. The recommendations and suggestions in part III as well as the content of paragraph 7 which follows have been accepted by all the delegations with the exception of that of the United Kingdom, which specifically requested that it be reported as having entered a blanket reservation on the recommendations, suggestions and proposals, as a whole, part III as well as part IV. It was not possible to reach agreement on the proposals in part IV and, consequently, it was agreed that each delegation might, if it so desired, have its position on those proposals briefly recorded.

III. RECOMMENDATIONS AND SUGGESTIONS

7. The name of the Committee should be changed to "The Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia".

8. The Council will find in the following paragraphs recommendations on ways and means by which the implementation of sanctions may be ensured, suggestions concerning the terms of reference of the Committee and other measures designed to ensure the effectiveness of the work of the Committee.

1/ See documents S/10597 and S/10622.

9. Information from more Member States would be useful to the Committee. Only a very few Governments have reported up to now on cases of suspected violations. The Committee considers it essential that Members of the United Nations endeavour to bring cases of suspected sanctions evasions immediately to the notice of the Committee.

10. In addition to the information regarding suspected violations of sanctions brought to its notice by members and by the Secretariat, the Committee should also seek and may receive information in this connexion from intergovernmental organizations and specialized agencies on a continuing basis.

11. The Committee should also invite, in accordance with rule 39 of the provisional rules of procedure of the Security Council, non-governmental international organizations concerned with matters within its competence and all persons whom it considers competent for the purpose to supply it with information, or to give it other assistance and co-operation as the Committee may deem appropriate in the fulfilment of its tasks.

12. Governments should co-operate fully with the Committee in providing it with the information or other forms of assistance and co-operation obtained from all suitable sources in their territories, including natural and juridical persons within their jurisdiction, which are necessary for the discharge of its tasks.

13. 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.

14. Information from published sources including press reports regarding suspected violations of sanctions should be circulated to all members without delay. The information would be placed before the next meeting of the Committee so as to enable the Committee to consider any appropriate action that might be required.

15. Governments should be urged to give prompt attention to requests for information from the Committee.

16. The Committee decided accordingly to request Governments to reply within a stated period depending on the particular circumstances of each case and in any event not later than two months. If at the end of that period no reply has been received, and two reminders fail to elicit a response, the Committee should consider all necessary and appropriate measures to ensure compliance with its requests including referral of the case to the Security Council. The interval at which reminders ought to be dispatched will be determined by the Committee according to the nature of each case but in no case will it exceed one month.

17. The Committee should meet not less than twice a month and in urgent cases it should convene at the request of any member.

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18. As part of the need of keeping the international community regularly informed, the Committee should, at the end of each meeting, consider the issuance of a press release covering its work and matters of topical interest including those cases where infringement of sanctions has been established or prevented.

19. In view of the announced refusal of South Africa and Portugal to co-operate with the Security Council in the implementation of sanctions, documentation emanating from South Africa and from the Portuguese controlled Territories of Mozambique and Angola in respect of products and goods which are also produced by Southern Rhodesia should be considered prima facie suspect. For purposes of investigation, therefore, the Committee should request all Governments to exercise closer scrutiny of such documents and to conduct an actual examination of cargoes to ensure that they are not of Southern Rhodesian origin.

20. In view of the large-scale falsification of commercial documents for goods originating from Southern Rhodesia, the Committee decided that it would resume its studies on this matter and that it should request expert advice to assist in the examination and devising of additional measures for preventing the circumvention of sanctions.

21. For the Committee to be able to fulfil its duties of examining the reports of the Secretary-General on the implementation of Security Council resolutions 253 (1968) and 277 (1970), and to submit, when necessary, its observations thereon to the Security Council, the Secretary-General should be invited to submit such reports more frequently, if possible quarterly, including periodic statistics of foreign trade.

22. The Committee should actively pursue all its responsibilities as provided by subparagraph 20 (b) of resolution 253 (1968) 1/ as well as by subparagraph 21 (b) of resolution 277 (1970). 2/

23. Bearing in mind the need to keep the Security Council more frequently informed, the Committee should endeavour to submit quarterly reports to the Security Council. The Committee will, in the light of its experience, review this practice after a

1/ Subparagraph 20 (b) of resolution 253 (1968) reads as follows:

"To seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3 (d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council."

2/ Subparagraph 21 (b) of resolution 277 (1970) reads as follows:

"Seeking from Member States such further information regarding the effective implementation of the provisions laid down in the present resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council."

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year's time and decide whether it is appropriate to adhere to it. The Committee will also submit to the Council interim reports when it considers this necessary.

24. The Committee attaches great importance to the question of the insurance of all cargoes of Southern Rhodesian origin and of all cargoes destined to Southern Rhodesia together with the question of the insurance of ships, aircraft, road and rail transport involved in the conveyance of those cargoes. With the aim of being able to adopt any necessary measures in this field, the Committee should request the Secretary-General to make available without delay the necessary expert advice which would clarify the role of insurance companies and indicate, where possible, those areas where, with the co-operation of such companies, the United Nations would be able to improve the effectiveness of sanctions.

IV. PROPOSALS

Proposals submitted by the delegations of Guinea, Somalia and Sudan

25. The Security Council should reaffirm the inalienable rights of the people of Southern Rhodesia to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960, and the legitimacy of their struggle to secure the enjoyment of their rights as set forth in the Charter of the United Nations.

26. The Security Council should request States continuing to have economic and other relations with Southern Rhodesia to end such relations immediately. All States which are openly and persistently violating the provisions of Security Council resolutions 253 (1968) and 277 (1970) should be condemned. The Council should also request that member States, especially the permanent members of the Security Council, should reaffirm their obligations to fully implement these resolutions as they are called upon to do in paragraph 16 of resolution 253 (1968).

27. The Security Council should undertake as a matter of urgency consideration of the type of action to be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against the illegal régime of Southern Rhodesia and to co-operate with the Security Council on this matter.

28. The Security Council should now call upon all States to employ against the illegal régime in Southern Rhodesia additional measures provided for in Article 41 of the Charter as envisaged in paragraphs (9) of resolution 253 (1968) and (9) and (11) of resolution 277 (1970).

Positions of delegations concerning the above proposals

29. In addition to the three sponsors, the following delegations have expressed their support for those proposals: Argentina, China, India, Panama, USSR and Yugoslavia.

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30. The representative of China stressed that his delegation maintained its stand that the Committee should recommend to the Security Council to condemn the United States Government for violating the sanctions against Southern Rhodesia and to extend the sanctions to cover South Africa and Portugal.

31. The representative of Japan expressed its sympathy and support in principle for the objective and substance of the African proposals. However, Japan reserved its position in the Committee for procedural reasons and did not associate itself with the African proposals.

32. The representative of the Soviet Union noted that his delegation would prefer to have the Committee recommend to the Security Council that it should condemn the United States for open violation of the sanctions and that it should extend the sanctions to South Africa and Portugal, as was proposed by the Soviet delegation in its concrete proposals of 24 April.

33. The delegations of Belgium, France, Italy and the United States of America expressed the view that, while general agreement had been reached on the body of the Committee's report in response to Security Council resolution 314 (1972), it was not possible for them to agree to the proposals submitted on 4 May by the African members of the Committee. In their opinion the proposals were similar to those which had been submitted earlier in the Committee and had given rise to objections either to the substance, to the procedure or to competence of the Committee in matters exclusively reserved to the Security Council. Those objections remained valid with respect to the supplementary proposals. Their objections were without prejudice to the position their delegations may take in the Security Council.

34. In proposing paragraph 26 the African countries took cognizance of the fact that the United States was in open contravention of resolutions 253 (1968) and 277 (1970) following its decision to permit the importation of chrome ore from Southern Rhodesia. However, since the matter is the subject of an interim report to the Security Council, the three African delegations decided to express their position in greater detail when that report is taken up by the Council.
