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REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY
RESOLUTION 421 (1977) CONCERNING THE QUESTION OF SOUTH
AFRICA ON ACTIVITIES DURING THE PERIOD 1980 TO 1989

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LETTER OF TRANSMITTAL

11 December 1989

Sir,

I have the honour to transmit herewith a report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on activities during the period 1980 to 1989, adopted by the Committee at its 91st meeting, on 11 December 1989. The report is being submitted in accordance with paragraph 1 of Security Council resolution 421 (1977) of 9 December 1977.

Accept, Sir, the assurances of my highest consideration.

(Signed) Jai Pratap RANA
Chairman
Security Council Committee established by
resolution 421 (1977) concerning the
question of South Africa

His Excellency
Dr. Enrique Peñalosa
President of the Security Council

/...

INTRODUCTION

1. The present report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa covers the period between 20 September 1980 and 11 December 1989.
2. Information concerning the meetings of the Committee held during the above-mentioned period is given in annex I to the present report and on the composition of the Bureau in annex II.
3. Reports of the Committee have been submitted to the Security Council previously on 26 December 1979 (S/13708), 31 December 1979 (S/13721) and 19 September 1980 (S/14179).

I. ACTION BY THE SECURITY COUNCIL ON THE MANDATORY ARMS EMBARGO

4. On 4 November 1977, the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted resolution 418 (1977), by which it imposed a mandatory arms embargo against South Africa. Subsequently, by its resolution 421 (1977) of 9 December 1977, the Council decided to establish a committee of the Council, consisting of all members of the Council, to examine the Secretary-General's report on the progress of the implementation of resolution 418 (1977); to study ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council; and to seek from all States further information regarding the action taken by them concerning the effective implementation of the provisions laid down in resolution 418 (1977) (see S/13721 and S/14179).
5. In addition to those States listed in annex II to the report of the Committee to the Security Council of 31 December 1979 (S/13721), 48 further replies were received to the notes dated 10 November 1977, 29 March and 18 May 1978 from the Secretary-General to all States, concerning measures taken by Governments in accordance with the provisions of resolution 418 (1977), bringing the total replies received to 167. The list of the additional replies is contained in annex III to the present report.
6. On 13 June 1980, the Security Council, at its 2231st meeting, adopted resolution 473 (1980) on the question of South Africa. Under paragraph 10 of the resolution, the Council called upon "all States strictly and scrupulously to implement resolution 418 (1977) and enact, as appropriate, effective national legislation for that purpose". Further, in paragraph 11, the Council requested the Committee "to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending by 15 September 1980 measures to close all loop-holes in the arms embargo, reinforce and make it more comprehensive".
7. Pursuant to paragraph 12 of resolution 473 (1980), on 2 July 1980, the Secretary-General addressed a note to all States, requesting information on measures taken by Governments in accordance with the provisions of resolutions 418 (1977) and 473 (1980).

8. As of 12 September 1980, the Secretary-General had received 26 replies, the substantive parts of which are reproduced in document S/14167. Subsequently, as of 18 December 1980, 11 more replies were received, the substantive parts of which are reproduced in annex II to document S/14167/Add.1, bringing the total replies received to 37.

9. At its 2564th meeting, held on 13 December 1984, in connection with the item "The question of South Africa", the Security Council adopted, as resolution 558 (1984), the recommendation (S/16860) emanating from a proposal by the Netherlands, which had been adopted by consensus by the Committee at its 63rd meeting, held on the same date (see paras. 42-44 below).

10. In resolution 558 (1984), the Security Council, inter alia, taking note of the Committee's report to the Council in document S/14179 of 19 September 1980, recognizing that South Africa's intensified efforts to build up its capacity to manufacture armaments undermined the effectiveness of the mandatory arms embargo against South Africa and considering that no State should contribute to South Africa's arms-production capability by purchasing arms manufactured in South Africa:

(a) Reaffirmed its resolution 418 (1977) and stressed the continuing need for the strict application of all its provisions;

(b) Requested all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa;

(c) Requested all States, including States not Members of the United Nations, to act strictly in accordance with the provisions of resolution 558 (1984);

(d) Requested the Secretary-General to report to the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on the progress of the implementation of the resolution before 31 December 1985.

11. Pursuant to paragraph 4 of resolution 558 (1984), on 21 December 1984 the Secretary-General requested all States to provide information on the measures taken by Governments in accordance with the provisions of the resolution.

12. As of 19 December 1985, the Secretary-General had received 40 replies, the substantive parts of which are reproduced in document S/AC.20/38, annex II. Subsequently, as of 10 July 1986, eight more replies were received, the substantive parts of which are reproduced in documents S/AC.20/38/Add.1 to 6, bringing the total replies received to 48.

13. At its 2723rd meeting, on 28 November 1986, in connection with the item "The question of South Africa", the Security Council adopted, as resolution 591 (1986), the recommendation (S/18474) which had been adopted by consensus by the Committee at its 75th meeting, held on 24 November (see paras. 49-51 below).

14. In resolution 591 (1986), the Security Council, inter alia, recalling its resolution 473 (1980), recalling the 1980 report of the Security Council Committee

established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective (S/14179), recalling resolution 558 (1984), in which all States were requested to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa, recalling further resolution 473 (1980), by which the Security Council requested the Security Council Committee established by resolution 421 (1977) to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending measures to close all loop-holes in the arms embargo, reinforce it and make it more comprehensive, reaffirming its resolution 418 (1977) and stressing the continuing need for strict application of all its provisions, and mindful of its responsibilities under the Charter for the maintenance of international peace and security:

(a) Urged States to take steps to ensure that components of embargoed items did not reach the South African military establishment and police through third countries;

(b) Called upon States to prohibit the export of spare parts for embargoed aircraft and other military equipment belonging to South Africa and any official involvement in the maintenance and service of such equipment;

(c) Urged all States to prohibit the export to South Africa of items which they had reason to believe were destined for the military and/or police forces of South Africa, had a military capacity and were intended for military purposes, namely, aircraft, aircraft engines, aircraft parts, electronic and telecommunication equipment, computers and four-wheel drive vehicles;

(d) Requested of all States that thenceforth the term "arms and related matériel" referred to in resolution 418 (1977) should include, in addition to all nuclear, strategic and conventional weapons, all military, paramilitary police vehicles and equipment, as well as weapons and ammunitions, spare parts and supplies for the aforementioned and the sale or transfer thereof;

(e) Requested all States to implement strictly its resolution 418 (1977) and to refrain from any co-operation in the nuclear field with South Africa which would contribute to the manufacture and development by South Africa of nuclear weapons or nuclear explosive devices;

(f) Renewed its request to all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa;

(g) Called upon all States to prohibit the import or entry of all South African armaments for display in international fairs and exhibitions under their jurisdiction;

(h) Further called upon States which had not done so to put an end to exchanges as well as to visits and exchanges of visits by government personnel, when such visits and exchanges maintained or increased South Africa's military or police capabilities;

(i) Further called upon all States to refrain from participating in any activities in South Africa which they had reason to believe might contribute to its military capability;

(j) Requested all States to ensure that their national legislation or comparable policy directives guaranteed that specific provisions to implement resolution 418 (1977) included penalties to deter violations;

(k) Further requested all States to adopt measures to investigate violations, prevent future circumventions and strengthen their machinery for the implementation of resolution 418 (1977) with a view to the effective monitoring and verification of transfers of arms and other equipment in violation of the arms embargo;

(l) Further requested all States, including States not Members of the United Nations, to act in accordance with the provisions of resolution 591 (1986);

(m) Further requested the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, in pursuance of resolution 418 (1977), to continue its efforts to secure full implementation of the arms embargo against South Africa in order to make it more effective;

(n) Requested the Secretary-General to report to the Security Council on the progress of the implementation of resolution 591 (1986), the first report to be submitted as soon as possible but in any event no later than 30 June 1987.

15. Pursuant to paragraph 14 of resolution 591 (1986), on 5 December 1986 the Secretary-General requested all States to provide information on the measures taken by Governments in accordance with the provisions of the resolution.

16. As of 30 June 1987, the Secretary-General had received 46 replies, the substantive parts of which are reproduced in document S/18961. Subsequently, as of 2 February 1988, 15 more replies were received, the substantive parts of which are reproduced in documents S/18961 and Add.1-5, bringing the total replies received to 61.

II. SUMMARY OF THE COMMITTEE'S ACTIVITIES DURING THE PERIOD 1980-1989

A. Organization of work and working methods

17. General information regarding the Committee's working procedures may be found in section I, paragraphs 6 and 7, and section V, paragraphs 60 to 62, of the report of the Committee to the Security Council dated 31 December 1979 (S/13721). From time to time, the Committee discussed the organization of its work, as well as its working methods, particularly as regards its sources of information, co-operation with other bodies and the resources and modalities available for monitoring specific instances of reported violations.

B. Outline of the Committee's general responsibilities

18. Developments concerning the work of the Committee covering the period from its inception in 1977 up to 19 September 1980 are dealt with in the Committee's previous reports (see para. 3 above).

19. In carrying out the mandate entrusted to it by the Security Council, the Committee has continued to be engaged in a wide range of activities, including the adoption and maintenance of procedures for the investigation of allegations of violations of the mandatory arms embargo against South Africa and the consideration of cases of alleged violations that have been brought to its attention. The Committee has continued to monitor developments relating to all such cases of alleged violations. It has continued to address itself to the question of existing contractual arrangements with and licences granted to South Africa relating to the manufacture and maintenance of arms, ammunition and military equipment and vehicles, as well as the export of arms and related matériel to South Africa prior to, and, in the event, following the adoption of resolution 418 (1977). The Committee has continued to consider the question of legislative and other measures adopted by States in order to ensure the effective implementation of resolution 418 (1977). It has continued to examine the question of nuclear collaboration with South Africa, a matter on which it has expressed its deep concern. It has continued to examine modalities for effective co-operation with various bodies at the international, national, intergovernmental, non-governmental or other levels that seek to discourage violations of the mandatory arms embargo against South Africa and promote the full implementation of Security Council resolutions on the subject. It has put forward specific proposals for consideration by the Security Council (see paras. 9 and 13 above), on which the Council has taken immediate positive action. The Committee has also held hearings, as necessary, on the subject of the arms embargo. During the period under review, it has publicly expressed its concern with regard to the implementation of the arms embargo and continuing reports of violations (statement issued by the Committee on 30 December 1987 (S/19396) (see para. 75 below)).

20. In accordance with the procedure approved by the Committee at its 2nd and 3rd meetings, on 28 March and 5 April 1978 (S/13721, paras 60-62), the Secretariat, throughout the period under review, has continued to transmit to the Committee material relating to the implementation of the mandatory arms embargo. In addition, the Committee has reviewed the issues raised in the hearings of and statements by individual experts on the arms embargo, as well as the matters dealt with in the communications to and from Governments, non-governmental organizations and other bodies. The range of issues covered in the material reviewed by the Committee reflects the complexity and diversity of the Committee's monitoring responsibilities in the implementation of its mandate.

C. Other activities of the Committee aiming at promoting more effective implementation of the mandatory arms embargo

1. Contacts with non-governmental organizations and individuals

21. Subsequent to its appeal of 12 April 1979 to non-governmental organizations, the Committee established contacts with many such organizations, which continue to provide information concerning the implementation of the mandatory arms embargo at the national level. Also, since its inception, the Committee has established contacts with individuals with expertise in the field, including journalists, union leaders, academics and parliamentarians. Details of the statements made before the Committee by such individuals prior to September 1980 may be found in the Committee's report to the Council of 31 December 1979 (S/13721). For the period under review, the section of the present report on closed hearings held by the Committee during September 1989 is especially relevant (see sect. G below).

2. Co-operation with the Special Committee against Apartheid

22. At its 4th meeting, on 5 May 1978, the Committee agreed to co-operate with the Special Committee against Apartheid and authorized its Chairman to hold consultations with the Chairman of the Special Committee. For further developments regarding such co-operation during the period under review, see paragraphs 28, 29 and 31 and section G below.

3. Co-operation with regional and other intergovernmental bodies

23. As was noted in paragraph 63 of the Committee's report of 31 December 1979 (S/13721), the Vice-Chairman of the Committee took part, on 27 September 1979, in a joint meeting of the Special Committee against Apartheid and the Security Council Committee established in pursuance of resolution 253 (1968) concerning Southern Rhodesia with a delegation from the Sanctions Sub-Committee of the Organization of African Unity (OAU).

24. On 1 August 1989, the representative of Canada transmitted to the Committee the text of the statement by the Commonwealth Committee of Foreign Ministers on Southern Africa on the arms embargo, issued at Harare on 8 February 1989 (see paras. 106-110 below). Further, during its closed hearings on the implementation of the arms embargo, on 27 September 1989, the Committee heard a statement by H.E. the Right Honourable Joe Clark, M.P., P.C., Chairman of the Commonwealth Committee of Foreign Ministers on Southern Africa.

D. Developments covering the period 20 September 1980 to 31 December 1984

1. Consideration of invitations to the Committee to be represented at international meetings

25. At its 46th and 47th meetings, held on 30 and 31 March 1981, the Committee considered a communication received from the Chairman of the Special Committee against Apartheid inviting the Committee to send a delegation to participate in the International Seminar on the Implementation and Reinforcement of the Arms Embargo, to be held in London from 1 to 3 April 1981, in pursuance of General Assembly resolution 35/206 B of 16 December 1980. It was agreed that the Committee should be represented by one of its Vice-Chairmen, as an observer, who would read out a message agreed upon by all members. At the Committee's 48th meeting, on 20 April 1981, the Vice-Chairman reported to the Committee on the Seminar (S/AC.20/R.1).

26. At its 48th to 54th meetings, held between 20 April and 14 May 1981, the Committee considered a communication received from the Secretary-General of the International Conference on Sanctions against South Africa inviting the Committee to be represented at that Conference, to be held in Paris from 20 to 27 May 1981 pursuant to General Assembly resolution 35/206 I of 16 December 1980. Following a number of clarifications, it was agreed that the Chairman should attend the meeting as an observer and deliver a message drafted by the Committee.

2. Hearings on the arms embargo and related issues during the period 20 September 1980 to 31 December 1984

27. At its 58th meeting, on 23 September 1983, the Committee heard a statement by Mr. Abdul Minty, Director of the World Campaign against Military and Nuclear Collaboration with South Africa.

28. At its 60th meeting, on 9 April 1984, the Committee heard a statement by the Chairman of the Special Committee against Apartheid, H.E. Mr. Joseph N. Garba, and another statement by Mr. Abdul S. Minty, Director of the World Campaign against Military and Nuclear Collaboration with South Africa.

29. Following the statements, upon a proposal by the Chairman, the Committee decided that regular consultations should be instituted between its Chairman and the Chairman of the Special Committee against Apartheid.

30. At its 61st meeting, on 14 June 1984, the Committee considered the issues raised in the statements of the Chairman of the Special Committee and by the Director of the World Campaign.

31. In his statement, the Chairman of the Special Committee against Apartheid pointed out that the military budget of South Africa had doubled between 1977 and 1984. South Africa had been able to obtain new weapons systems, sophisticated military technology, computers, telecommunications systems and other equipment for

military use. South Africa was trying to export arms to other countries and that in the previous month South African weapons had been exhibited in Chile. He assured the Committee of the full co-operation of the Special Committee in its work.

32. In his statement, the Director of the World Campaign cited several alleged instances of violations of the arms embargo, namely:

(a) The reported smuggling of arms on vessels managed by the Danish Trigon company, in connection with which replies had been received to the Committee's notes from Belgium, Bulgaria, Denmark (with subsequent replies), Italy, the Netherlands, Portugal, Romania, the United States of America and Yugoslavia, but not from Spain;

(b) Charges in the Coventry Magistrate's Court in the United Kingdom of Great Britain and Northern Ireland against seven men in connection with various offences involving the illegal export of arms to South Africa, in connection with which the United Kingdom had provided information on 25 April and 29 May 1984 and had promised to inform the Committee of the outcome of the case in due course;

(c) The reported smuggling of some £2 million worth of plant equipment to South Africa in 1979, involving a Worcester-based company, Redman Heenan, in the United Kingdom;

(d) Charges against three men in October 1982 in the United Kingdom regarding the reported illegal export of rifles and machine-gun spare parts to South Africa, in connection with which the United Kingdom had provided information on the matter in a note of 29 January 1983;

(e) The question of the Plessey AR-3D air defence radar system which the United Kingdom had supplied to South Africa, in connection with which the Committee had received, in response to its inquiries, replies from the United Kingdom, Ireland and the United States;

(f) The question whether Israel had given an explanation to the Committee regarding the transport of arms to South Africa via Israel and regarding the remotely piloted vehicle of Israeli origin which had been shot down in Maputo Bay on 30 May 1983, in connection with which Israel had denied having any arms dealing with South Africa.

33. Other issues raised by the Director of the World Campaign had also been dealt with in the Committee's reports to the Security Council (S/13708, S/13721 and S/14179) and included the following: spare parts for aircraft that South Africa continued to receive; nuclear co-operation with South Africa; the possibility of examining national legislation concerning the arms embargo and the World Campaign's request for clarifications regarding Austria's intention to tighten its relevant legislation; and a ban on imports of South African arms by other countries. The World Campaign had also, among other things, called attention to the existence of an agreement relating to mutual defence assistance between the United States and South Africa based on an exchange of notes dated 9 November 1951 and had requested the Committee to consider the role of South African diplomatic personnel in

contravening the laws relating to the arms embargo in the countries in which they were stationed.

3. Consideration of communications received by the Committee (1980-1984)

34. At its 52nd meeting, on 7 May 1981, the Committee considered two communications from the World Campaign concerning the alleged shipment to South Africa of military equipment manufactured by the British firm, Plessey. Although a note verbale had previously been addressed to the Government of the United Kingdom with regard to a case involving the firm in question, it was decided at the meeting that a note verbale would be addressed to the United Kingdom requesting comments on the material under discussion in order to ascertain whether any new information was available. On 9 July 1981, the United Kingdom stated that there was nothing to be added to the contents of its earlier note of 14 March 1980.

35. At its 54th meeting, on 14 May 1981, the Committee had before it a telegram from the World Campaign concerning the alleged involvement, in addition to the earlier reported involvement of the Spanish company, Barreiros Hermanos Internacional, of Danish and Norwegian firms in the transport to South Africa of tanks of Indian origin. It stated that a follow-up letter would provide further clarifications and urged the Committee to take appropriate action in the mean time. As the case was already before the Committee, it was decided to take no action at that stage pending the arrival of a follow-up letter from the World Campaign which might provide further clarifications. It was pointed out, in the course of the discussions, that with regard to the Spanish company, Spanish courts had already handed down a heavy fine to the Director of that company for its reported involvement.

36. At its 56th meeting, on 24 June 1983, the Committee considered three communications from the World Campaign concerning alleged violations of the arms embargo. They related to the transport of arms to South Africa from various European countries by ships owned by the Danish Trigon shipping company; an order for Marconi radar equipment placed in the United Kingdom by South Africa; and the seizure by the Danish authorities at Kastrup Airport of weapons arriving from Vienna and due to be flown on an SAS flight from Copenhagen to Johannesburg. In all three cases the Governments concerned, namely, the United Kingdom, Denmark and Austria, had submitted information to the Committee.

37. In connection with the World Campaign's communication dated 17 February 1983 dealing with recent developments in Denmark relating to the transport of armaments to South Africa from various European sources by ships primarily belonging to the Trigon Line and to a television documentary by the Cultural Department of Denmark's Radio, the Committee also had before it a note verbale of the same date from Denmark, in which the Committee was informed that the Danish Government had decided to extend the scope of its relevant Royal Decree to make it possible to prosecute any shipowner found guilty of violating the United Nations arms embargo.

38. In connection with the World Campaign's communication of 23 May 1983 on the issuance by the Government of the United Kingdom of a licence for the export to South Africa of radar material manufactured by Marconi Ltd., the Committee had before it a note verbale dated 9 May 1983 from the United Kingdom, which stated, inter alia, that the Government of the United Kingdom was convinced that the system in question had a genuine civil application and did not fall within the scope of resolution 418 (1977). In the course of the discussion, one delegation recalled that the Committee had always taken the initiative of making a formal request for explanations from Governments, even if they had already sent replies. In the absence of any objection, the Committee decided to accept both the offer by the representative of the United Kingdom to provide the Committee with any additional information that his Government might have, as well as the Chairman's suggestion to hold a meeting of the Committee at a later date to discuss its working methods. Subsequently, at the Committee's 57th meeting, on 1 September 1983, the representative of the United Kingdom stated that, in accordance with the decisions taken by the Committee, he had transmitted the summary records of the Committee's 56th meeting to his Government and had been informed that it was looking into the matter.

39. With regard to the World Campaign's telegram of 9 June 1983 referring to the seizure by Danish authorities at Kastrup Airport of weapons arriving from Vienna to be loaded on SAS aircraft from Copenhagen to Johannesburg, and the World Campaign's request for the Ministry of Foreign Affairs of Denmark and Austria to provide information to the Committee on the matter, the Chairman called attention to (a) a letter of 21 June 1983 from Denmark indicating that its Ministry of Justice and the police had begun an investigation and that a further report would be submitted to the Committee; and (b) a letter of 22 June 1983 from Austria giving information on the weapons seized and informing the Committee that Austria had embarked on an investigation. It stated also that Austrian law made no provision for the issuance of special permits for transit shipments of that kind through Austria. The Chairman said that the evidence indicated that the Governments concerned had taken the necessary measures. In the absence of objection, the Committee decided to conclude its consideration of that agenda item.

40. At its 57th meeting, on 1 September 1983, the Committee had before it two telegrams from Mr. Minty relating to the consignment of arms intercepted at Kastrup Airport by the Danish authorities. The Chairman recalled the letters already transmitted by Denmark and Austria. No further action was taken by the Committee.

41. With regard to the Committee's working methods, the Chairman recalled that, at its 56th meeting, in discussing reports of possible violations of the arms embargo, the Committee had decided to consider its working methods. Accordingly, he drew attention to the guidelines which the Committee had approved at its 3rd meeting, as well as to the procedure that the Committee had adopted at its 7th meeting to deal with alleged violations of the arms embargo, a procedure that was still valid (see S/13721, para. 7). He pointed out also that the Committee had in the past issued an appeal to non-governmental organizations to furnish any information that they had on possible violations of the embargo (see S/13721, para. 8) and had granted hearings to individuals and to representatives of non-governmental organizations.

4. Proposal by the Netherlands concerning the arms embargo

42. At the Committee's 62nd meeting, on 9 November 1984, the representative of the Netherlands informed the Committee that his delegation was considering the possibility of submitting a draft resolution to the Security Council to the effect that the embargo should be extended to include arms exports from South Africa. Accordingly, his delegation was requesting the preliminary views of members of the Security Council Committee. He said that after appropriate bilateral consultations, his delegation would prepare a draft text, concentrating only on the desirability of enhancing the effectiveness of the arms embargo by extending it only to arms imports from South Africa, for consideration at the Committee's next meeting. Following an exchange of views, the Chairman noted the general wish that the proposal should be submitted in written form and invited the delegation of the Netherlands to circulate a text.

43. At the Committee's 63rd meeting, on 13 December 1984, the Committee adopted the draft recommendation submitted by the Netherlands by consensus.

44. At its 2564th meeting, on 13 December 1984, the Security Council, in connection with its consideration of the item "The question of South Africa", adopted the Committee's recommendation (S/16860) unanimously as resolution 558 (1984) (see paras. 9 and 10 above).

E. Developments covering the period 1 January 1985 to 31 December 1987 1/

1. Consideration of invitations to the Committee to be represented at international meetings

45. At its 68th and 69th meetings, on 19 and 21 May 1986, the Committee considered a communication dated 12 March 1986 from the Chairman of the Special Committee against Apartheid inviting the Committee to participate in the United Nations Seminar on Arms Embargo against South Africa, to be held in London from 28 to 30 May 1986. It was agreed that the Committee would be represented at the London Seminar by its Chairman, in the role of observer, who would deliver a statement agreed upon by the Committee and report back to the Committee. At the Committee's 70th meeting, on 20 August 1986, the Chairman reported to the Committee on the London Seminar. Pursuant to a decision taken by the Committee at the same meeting, the President of the Security Council, at the request of the Chairman of the Committee, circulated the Chairman's report on the London Seminar as a document of the Security Council (S/18288) on the same date.

2. Hearings on the arms embargo and related issues during the period 1 January 1985 to 31 December 1987

46. At its 78th meeting, on 27 February 1987, the Committee heard expert testimony by Mr. Abdul Minty, Director of the World Campaign against Military and Nuclear Collaboration against South Africa on the implementation of the arms embargo

against South Africa and decided to issue his statement as a Committee document (S/AC.20/1987/CRP.2).

47. Among the points made by the Director of the World Campaign were:

(a) With regard to seven individuals charged the previous week at Coventry Magistrate's Court in the United Kingdom with illegally exporting arms to South Africa, in complicity with South African officials, developments in the case had shown that South Africa was covertly attempting the importation of items such as cryostats, reportedly a vital component for heat-seeking missiles, from the United States for subsequent export to South Africa. The relevant regulations in existence at that time in the United Kingdom did not embargo the export of cryostats to South Africa. Following public and parliamentary protests, those regulations were amended;

(b) It was an alarming fact that, with regard to the large number of countries involved in the early Danish Trigon cases, none of the Governments concerned had managed to secure in their own countries even a single prosecution of the offenders who were involved in the numerous deals that had resulted in convictions in open court in Denmark. It was important to follow up cases in all the countries involved as soon as the facts became known;

(c) The Committee and the Governments concerned should study the question of the interchangeability of certain aircraft as well as spare parts and components for aircraft manufactured in France, Italy, the Federal Republic of Germany, the United Kingdom and the United States and other countries that were used in South Africa;

(d) Issues involving the delivery of MBB helicopters to the South African police, with the company involved declaring that those helicopters did not require a licence for exportation on the grounds that they were, like automobiles, a means of transport;

(e) On the much-publicized case, then pending, involving submarine construction plans illegally supplied to South Africa by the two firms Howaldtswerke Deutsche Werft AG (HDW) and Ingenieur-Kontor-Luebeck (IKL), based in Kiel, Federal Republic of Germany, the Director of the World Campaign stressed that the Government of the Federal Republic of Germany had co-operated fully with the World Campaign and its inquiries at every level.

48. The Director of the World Campaign referred to reports of a number of joint weapons production schemes involving "the triangle" of Israel, South Africa and Taiwan, including the case of the G-5 155 mm Howitzer gun, originally smuggled illegally through the United States and Canada, with first Israel, next South Africa, then Taiwan, each claiming to have developed its own "home-grown" gun, all of them being in fact the 155 mm gun of the Space Research Corporation.

3. Proposal during 1986 to strengthen the mandatory arms embargo against South Africa

49. At its 71st meeting, on 20 August 1986, the Committee began consideration of a draft working paper (S/AC.20/1986/CRP.2), first circulated by the Chairman at the 66th meeting, on 22 November 1985. At the 72nd meeting, on 26 August 1986, the Chairman recalled that, in the course of the preceding two meetings, a number of suggestions and amendments had been made, and that the text of the revised working paper before the Committee (S/AC.20/1986/CRP.2/Rev.1) reflected those changes. At the 73rd and 74th meetings, on 27 and 28 August 1986, the Committee considered the revised working paper, proceeding on an ad referendum basis and subject to reservations expressed by a number of delegations.

50. At the 75th meeting, on 24 November 1986, the Committee had before it a further revised working paper, contained in document S/AC.20/1986/CRP.2/Rev.3, which reflected the changes made as a result of contacts and consultations among members of the Committee. Following paragraph-by-paragraph consideration of the paper, the Committee adopted it, as orally revised at the meeting, by consensus and authorized the Chairman to transmit that recommendation to the Security Council for its consideration.

51. At its 2723rd meeting, on 28 November 1986, the Security Council, in connection with its consideration of the item "The question of South Africa", adopted the Committee's recommendation (S/18474) unanimously as resolution 591 (1986) (see paras. 13 and 14 above).

52. As stated by the Chairman at the Council's 2723rd meeting (S/PV.2723), the task of reconciling the opposing views of Member States was never easy. Over a period of some 18 months, several meetings of the Committee had been held. Those, together with several series of bilateral consultations, often conducted on the same day, had ensured that the various points of view and interests were generally understood and harmonized. He pointed out that, essentially, the Committee was engaged in the task of recommending measures to close loop-holes in the arms embargo, reinforce it and make it more comprehensive. Tremendous efforts had been required on the part of the Chairman, other members of the Committee and its secretariat.

4. Consideration of communications received by the Committee (1985-1987)

(a) Reported supply of blueprints to South Africa for the construction of submarines

53. By a letter dated 5 December 1986, the Federal Republic of Germany informed the Committee that, as soon as it had gained knowledge of the possible illegal supply to South Africa of submarine construction plans by one of its corporate nationals, the Government had instituted thorough investigations against persons responsible on account of an alleged violation of the Foreign Trade and Payments Act. Those investigations were still in progress and the Government would inform the Committee of their outcome.

54. At its 76th meeting, on 15 December 1986, the Committee considered information received, alleging the involvement of a Kiel-based company in providing South Africa with plans for constructing a submarine.

55. In accordance with the decisions taken at that meeting, the Chairman addressed a note verbale, dated 15 December 1986, to the Federal Republic of Germany, enclosing a report from a non-governmental organization and requesting comments on the matter.

56. Three replies, dated 29 December 1986 and 5 and 27 February 1987, were received from the Federal Republic of Germany.

57. The reply dated 29 December 1986 from the Federal Republic of Germany informed the Committee that, since 1963, the Government had not authorized any arms shipments to South Africa. The export of submarines as well as blueprints for the construction of submarines was, under the law of the Federal Republic of Germany, subject to prior authorization. In the case at issue, an authorization for the export of such blueprints to South Africa according to the pertinent Foreign Trade and Payments Act or the Weapons Control Act had never been requested. When the competent authorities had received indications that a transaction of that kind might nevertheless have taken place, they had instituted, already at the end of 1985, formal investigation proceedings against those responsible. Those proceedings had not yet been concluded.

58. On 5 February 1987, the Federal Republic of Germany transmitted to the Committee the text of its letter of the same date addressed to the World Campaign, and which stated, *inter alia*, that the possible illegal supply by one of its corporate nationals of submarine construction plans to South Africa was being thoroughly investigated by the competent authorities of the Federal Republic of Germany, including a committee of investigation of the Deutscher Bundestag (parliament). Those investigations were still going on. As indicated in its letter of 5 December 1986, the Government of the Federal Republic of Germany would, after the termination of those investigations, inform the Committee accordingly.

59. By a further reply dated 27 February 1987, the Federal Republic of Germany informed the Committee that the Government had reacted immediately and definitely negatively to unofficial soundings by the firms HDW and IKL in 1983. The Federal Government had, therefore, been greatly dismayed when in 1985 it had learned about the export of such construction plans to South Africa being executed without the necessary authorization. The competent authority, the Federal Minister of Economic Affairs, had begun investigations immediately after the appearance of indications that an illegal sale had possibly been carried out. In accordance with its national legislation, the Minister of Economic Affairs, without delay, had transferred the matter to the Minister of Finance who had initiated investigations by the competent regional finance authorities. Those authorities had presented a preliminary report at the end of 1986. Thus, long before the issue was known to the public, the Government of the Federal Republic of Germany had taken all necessary steps to investigate the matter in order to clarify the facts and, if warranted under its national legislation, to prosecute those responsible on account of a suspected violation of the Foreign Trade and Payments Act. In that context,

the question of criminal responsibility was also being dealt with. Furthermore, it had requested a clarification from the South African Government as to whether the diplomatic pouch had been illegally used in that context. The investigations were not yet completed. As had been indicated in its earlier communications, the Federal Government would inform the Committee of the outcome of those investigations.

60. For further developments regarding this case, see paragraphs 92-97 below.

(b) Alleged shipment of arms to South Africa (Air Charter Centre)

61. At its 76th meeting, on 15 December 1986, the Committee considered reports received from Mr. Abdul Minty of the World Campaign and Mr. Mike Terry, Executive Secretary of the Anti-Apartheid Movement, London, regarding the impending shipment of 39 tons of machine-guns to South Africa and the involvement of a Belgian company, Air Charter Centre, an air-freight broker in Brussels, in arranging for the delivery of machine-guns to South Africa. One communication dealt with allegations, published in The Independent, a London-based newspaper, of reported violations by the United States with respect to the arms embargo against South Africa as well as the alleged involvement of several other countries in connection with the falsification of entry and exit permits and of end-user certificates with or without the knowledge of those States.

62. In accordance with the decisions taken at that meeting, the Chairman addressed identical notes verbales, dated 15 December 1986, to Barbados, Belgium, Cape Verde, Honduras, Saint Lucia, Switzerland and the United States, enclosing the reports from non-governmental organizations and from published sources and requesting their Governments' comments on the matter.

63. Replies were received to the Committee's requests for information on the matter from Barbados, Belgium, Honduras, Saint Lucia, Switzerland and the United States. No reply was received from Cape Verde.

64. A reply, dated 18 December 1986, was received from Honduras stating that its observations on the matter would be transmitted to the Chairman in due course.

65. Following its letter of 15 December 1986, a reply dated 6 February 1987 was received from Switzerland stating that, with regard to the recent allegations concerning the supposed transit of war matériel by Switzerland, the inquiry conducted by the Department of the Public Prosecutor of the Swiss Confederation on its own initiative revealed no specific evidence corroborating the statements in question.

66. A reply dated 20 February 1987 was received from Saint Lucia stating that the Government had directed its customs officials to check thoroughly, for arms and ammunition, the contents of any cargo on those aircraft belonging to Saint Lucia Airways, a private company registered in Saint Lucia, that transited in Saint Lucia and had requested that company to take the necessary steps to remove the name "Saint Lucia" from its registration. Also, investigations were continuing to discover whether false declarations might have been made in the past.

67. Following its letter of 15 December 1986, two replies, dated 16 March and 8 June 1987, respectively, the first an interim response, were received from Belgium. The substantive reply stated that, following investigation, it had been established that no Belgian company had been involved in such trafficking. It added that, with regard to a letter dated 22 February 1987 addressed to the Secretary-General from the Chargé d'affaires a.i. of the Permanent Mission of Saint Lucia to the United Nations (A/42/153), Belgium was in a position to inform the Committee that neither Belgium nor the Belgian airline Sabena had been involved in any trafficking in arms intended for South Africa, as might have seemed to be implied in that letter.

68. A reply, dated 20 March 1987, was received from the United States informing the Committee that, in December 1986, the United States Customs Service had been requested to investigate the matter formally. Those investigations were continuing and, on their completion, the Committee would be informed of the results. Also, on 10 March 1987, a federal grand jury had indicted a United States national on conspiracy to violate United States laws relating to the arms embargo against South Africa.

69. A reply, dated 14 May 1987, was received from Barbados, stating that the reports of alleged shipments of arms to South Africa in violation of the arms embargo had been thoroughly investigated by the appropriate agencies of the Government which had no record of any aircraft operating out of Honduras through Barbados en route to Cape Verde during the months of December 1986 or January 1987.

(c) The Scanray Microfocus X-ray system

70. The Committee considered reports of possible violations of the arms embargo during 1987 with respect to the alleged impending acquisition by the South African Air Force of the X-ray system Scanray Microfocus, which was used to detect faults and cracks in jet engines, from the Danish company Thrige-Titan's subsidiary, Scanray, via Isotope-Technic Dr. Sauerwein, a company based in the Federal Republic of Germany, a matter that had been raised by the Director of the World Campaign in testimony before the Committee at its 78th meeting, on 27 February 1987.

71. In that connection, by a letter dated 13 March 1987, Denmark informed the Committee that Danish authorities had contacted Scanray, which had stated that it had received orders for other equipment from the company that was based in the Federal Republic of Germany, but no order for equipment for flight inspection. Danish authorities had informed Scanray that, in accordance with the Danish Bill on Prohibition of Trade with South Africa and Namibia, no equipment from Scanray could be forwarded to South Africa. On 26 February 1987, Scanray received an annulment of the order from the company. On that basis, the Danish authorities considered the matter closed.

(d) HB 23 Scanliner and Hobbyliner aircraft

72. During 1987, the Committee received follow-up information on possible violations of the arms embargo in connection with the Austrian-designed HB 23 Scanliner and Hobbyliner aircraft, referred to in the Director of the World

Campaign's statement to the Committee on 27 February 1987, which were reportedly due to be assembled by December 1987 in the South African Ciskei bantustan and concerning which several references had appeared in press reports and other sources. By a telegram dated 10 October 1987, the Director of the World Campaign provided follow-up information, requesting the Committee to take up the matter with those Governments in whose countries the 110 hp Porsche engines of the HB 23 aircraft were made, and also with Switzerland, charging that Ciskei Aircraft Industries, which would reportedly manufacture the aircraft, had a Swiss-funded factory in Bisho. In that connection, by a letter dated 16 December 1987, Austria transmitted to the Committee the text of its letter sent on the previous day to the Chairman of the Special Committee against Apartheid, stating that, with regard to the reported involvement of HB Aircraft Industries AG in the supply of aircraft to South Africa, Austria had taken immediate steps to follow up on the information with a view to establishing all relevant facts. It added that the competent Austrian authorities, if necessary, would consider initiating additional administrative and/or legislative measures in order to prevent any circumvention of existing Austrian legislation relating to the implementation of the arms embargo.

(e) MBB BO-105 and MBB-117 helicopters

73. The Committee received information, by telegrams dated 17 November and 2 December 1987, from the Director of the World Campaign, charging that armed units of the South African Ciskei bantustan were equipped with the MBB BO-105 and MBB-117 helicopters, all manufactured in the Federal Republic of Germany, and that armed units of the Venda bantustan were equipped with three MBB-117 helicopters.

74. In that connection, by a letter dated 16 December 1987 addressed to the Chairman, the Federal Republic of Germany stated that, with regard to allegations that by supplying helicopters to South Africa it might have violated the mandatory arms embargo against South Africa, the Government wished to state that the Federal Republic of Germany had no indication and no proof had ever been submitted that MBB had illegally delivered helicopters in military version to South Africa (including Ciskei and Venda). The Federal Government would not grant a licence to the export of a helicopter in military version to South Africa. The State Prosecutor had investigated MBB in 1985 and 1986 on charges of having violated export laws of the Federal Republic of Germany. The result of that investigation had been that MBB had not acted illegally. The State Prosecutor was convinced that only helicopters BO 105 in civil version and BK 117 were exported to South Africa. Those helicopters were, therefore, not subject to the United Nations arms embargo and the BK 117 helicopter did not exist in military version.

5. Statement issued by the Committee on 30 December 1987

75. As mentioned above (see para. 19), the Committee publicly expressed its concern, during the period under review, about continuing violations of the mandatory arms embargo.

76. In a statement adopted at its 79th meeting, on 18 December 1987, and which, in accordance with its decision, was issued both as a document of the Security Council (S/19396) and as a press release (SC/4970), the Committee noted "with alarm and

great concern" that, in spite of the comprehensive national laws, regulations and procedures for ensuring strict implementation of the mandatory arms embargo reported by various States, particularly those that had been mentioned from time to time in cases of alleged violations, individuals, commercial and industrial enterprises continued to evade Government screening procedures by making the prohibited matériel available to South Africa. The Committee stated that, in pursuance of its mandate to assist Governments in their implementation of the relevant Security Council resolutions and to monitor the implementation of those resolutions, it considered it pertinent to issue that statement, putting its observations on record. Through the authority of the Security Council, the Committee also wished to bring the contents of its statement to the attention of all States. In doing so, the Committee stressed that it wished to reiterate its appeal to all States, particularly those with a manufacturing and export capacity for military equipment, to tighten their scrutiny efforts and to increase their vigilance with regard to licensing procedures for the export or re-export of military equipment, so as to ensure that none of it reached South Africa in violation of the Security Council decisions. It appealed to governmental authorities to mount thorough investigations of any reported violations that might be drawn to their attention.

F. Developments covering the period 1 January 1988 to November 1989

1. Consideration of invitations to the Committee to be represented at international meetings

77. In the course of its 85th and 86th meetings, on 21 July and 14 August 1989, the Committee considered the invitation, dated 3 July 1989, from the Executive Director of the United Nations Centre on Transnational Corporations addressed to the Chairman, to participate in Public Hearings on the Activities of Transnational Corporations in South Africa and Namibia, scheduled to be held at the United Nations Office at Geneva, from 4 to 6 September 1989. The Committee decided at its 85th meeting to accept the invitation to submit a written statement for presentation to the Panel of Eminent Persons constituted to conduct the public hearings. Subsequently, at its 86th meeting, the Committee decided that its participation in the Public Hearings would be limited to the submission of a written statement. The text of the Committee's written statement was finalized and approved at its 87th meeting, on 22 August 1989, and was transmitted for presentation to the Panel of Eminent Persons.

2. Consideration of communications received by the Committee (1988-1989)

(a) Participation of South Africa in the FIDA 88 Air Show, Santiago, Chile (13-20 March 1988)

78. At its 81st meeting, on 10 March 1988, the Committee considered reports concerning the admission of South African personnel and military equipment into

Chile for purposes of South Africa's participation in the FIDA 88 Air Show that was scheduled to take place in Chile from 13 to 20 March 1988.

79. As a result of decisions taken at the meeting, the Chairman, on behalf of the Committee, addressed an urgent letter dated 10 March 1988 to Chile, the text of which was approved at the meeting.

80. A reply, dated 16 March 1988, was received from Chile, conveying background information, *inter alia*, to the effect that the FIDA 88 Air Show, which had been held since 1980, was an exhibition of aeronautical equipment of all kinds at which rescue equipment for use in emergencies and for aerial assistance in the event of disasters was exhibited. That was its purpose. In any event, the Chilean Government was firmly determined to co-operate with the Committee's objectives, and would instruct the competent bodies to take the concerns expressed by the Committee into special account in organizing future events of that nature.

81. In connection with reports of an official visit to Chile by two South African vessels, the 12,500 ton replenishment vessel Drakensberg, and the missile-attack craft Frans Erasmus, the Chairman circulated a note to members on 14 March 1988, stating that, in the light of the Committee's deliberations at its 81st meeting and in order to expedite the matter, in the absence of objections by the Committee within the specified date of 18 March 1989 he would send a letter to Chile similar in text to that which had been approved at the Committee's 81st meeting. No objections having been received within the time-limit specified, the letter was sent to Chile.

82. By a letter dated 30 March 1988, Chile replied to the Committee's letter of 18 March 1988. It stated, among other things, that the stay by the two units of the South African Navy was connected exclusively with South Africa's participation in the FIDA 88 Air Show; that those vessels had docked at Valparaiso, carrying on board materials to be exhibited at the International Aviation Fair; and that when that Fair had ended their entire crew and equipment had left Valparaiso.

(b) Delivery of multi-sensor platforms to South Africa

83. At its 82nd meeting, on 24 June 1988, the Committee considered reports from Mr. Abdul Minty that South Africa had made arrangements to obtain several multi-sensor platforms via British Aerospace in the United Kingdom, and involving also MBB in the Federal Republic of Germany, in order to produce the equipment required by the South African Defence Force to locate missiles, grenades, tank and other ammunition and prepare appropriate responses.

84. In accordance with the decisions taken by the Committee at its 82nd meeting, the Chairman addressed notes verbales, dated 30 June 1988, to the Federal Republic of Germany and to the United Kingdom requesting their Governments' comments.

85. In this connection, besides communications on the matter from a non-governmental organization, other documentation before the Committee included a press statement by a British member of Parliament.

86. Two replies dated 12 July and 3 August 1988, the first an interim response, were received from the United Kingdom. The substantive reply, providing information to the Committee pending the full outcome of the Government's investigations, stated, inter alia, that the equipment in question was known also as an electro-optical tracking system and was built by MBB, incorporating a Kine Theodolite (also manufactured by MBB), and an Autotrack unit and other electronic components supplied by British Aerospace, with the British Aerospace components representing only a small part of the whole system and not being able to operate in isolation. It stated further that a licence had been issued to British Aerospace for the export of Autotrack units to the Federal Republic of Germany in 1985 and reissued in 1986 and 1987, and that the United Kingdom Government understood that the units were delivered to MBB earlier in 1988. According to the note, export from the Federal Republic of Germany was primarily a matter for authorities of that Government, with which the United Kingdom Government were in touch, adding that those authorities had confirmed that they had suspended the export of the remaining two units pending the results of their enquiries.

87. Two replies dated 21 July and 27 December 1988 were received from the Federal Republic of Germany, the first stating, inter alia, that, on the basis of its investigation and the preliminary results of its findings, an export licence for three multi-sensor platforms had been issued to MBB for delivery to a South African meteorological station for exclusively scientific purposes. One unit had been handed out. Delivery of the remaining two platforms had been stopped and the company involved had agreed not to send them out as long as the investigations were not completed. The second reply stated that, as a result of its investigations, the Government, revoking previous authorizations, had decided that the remaining two units, which were necessary for the functioning of the whole system, were not allowed to be exported to South Africa and hoped that the matter could be closed.

(c) Shipments of pistols and guns from Austria via Israel to South Africa

88. In a letter dated 29 January 1988, Austria informed the Committee that the Austrian Federal Ministry for Foreign Affairs had responded to a request by the Director of the World Campaign for information on an alleged shipment of arms from Austria to South Africa as follows: "... The Austrian authorities after preliminary investigation of the shipments in question have submitted the case to the appropriate prosecuting authorities for further investigation and judicial prosecution, if a violation of the Austrian decree prohibiting the export of arms and civil weapons and civil ammunition to South Africa had in fact occurred."

89. At its 82nd meeting, on 24 June 1988, the Committee considered charges made by the Director of the World Campaign, in his telegram of 24 January 1988, which stated that the World Campaign had information to the effect that two shipments of pistols and guns had been transported on 18 and 24 November 1987 from Gratz in Austria by El Al Airlines via Israel to Johannesburg.

90. In accordance with the decision taken by the Committee at its 82nd meeting, the Chairman addressed a note verbale dated 11 July 1988 to Austria, enquiring whether the investigations had been completed and requesting the findings, together with the Government's comments.

91. In that connection, Austria transmitted an interim response, dated 26 September 1988, stating that the investigations of the public prosecutor had not yet been completed.

(d) Reported supply of blueprints to South Africa for the construction of submarines

92. By a letter dated 15 January 1988, the Federal Republic of Germany informed the Committee of the completion of the investigations conducted in connection with the accusations that the companies HDW and IKL had illegally exported design documents for submarines to South Africa (see paras. 53-60 above). It stated, *inter alia*, that the competent authority, Kiel Regional Finance Office, had discontinued the proceedings for administrative penalties against the companies by a decision announced on 12 January 1988. The Finance Office's investigations had revealed that the companies had not supplied any documents to South Africa permitting the construction of submarines or functioning submarine parts. Nor was there any indication of patent licences requiring export permits having been granted. Furthermore, the Finance Office was not able to establish whether, in addition to the blueprints supplied, the said companies had provided South Africa with other essential know-how for submarine construction. According to the Finance Office's decision, a violation of the Federal Foreign Trade and Payments Act, in which provisions for the implementation of resolution 418 (1977) had been enacted as national law, was deemed to have occurred if a functioning part of a submarine or construction documents for it were supplied to South Africa. After learning of the transaction, the Government of the Federal Republic of Germany had immediately prohibited any further supplies of design documents to South Africa and had thus precluded decisive parts of the transaction from being consummated. As a result, the companies were prevented from performing actions that would have violated the above-mentioned act. The discontinuation of proceedings for administrative penalties did not rule out the resumption of investigations if new facts or evidence were discovered. The Bundestag's Committee of Inquiry was continuing its investigations.

93. Subsequently, by a letter dated 19 April 1988, the Federal Republic of Germany informed the Committee that, since 1963, it had not authorized any arms shipment to South Africa and pointed out once again that the discontinuation of the proceedings did not exclude the resumption of investigations if new facts or evidence were discovered and that the Bundestag's Committee of Inquiry was continuing its investigations.

94. At its 87th meeting, on 22 August 1989, the Committee considered reports that the Government of the Federal Republic of Germany had decided not to grant permission to the State Prosecutor in Kiel to proceed with investigations in connection with the reported involvement of the companies, HDW and IKL in the illegal delivery to South Africa of blueprints for submarine construction.

95. In that connection, besides communications on the matter from a non-governmental organization, other documentation before the Committee included press statements issued by the Social Democratic Party in the Federal Republic of Germany and by its Speaker on the Parliamentary Investigation Committee.

96. In accordance with decisions taken at the meeting, the Chairman addressed a letter dated 24 August 1989 to the Federal Republic of Germany expressing the Committee's concern and requesting the Government to provide information on developments since its last communication with the Committee on the matter and asking for an indication of how it intended to deal with the matter in the light of the information enclosed.

97. A reply, dated 3 October 1989, was received from the Federal Republic of Germany, stating, among other things, that the investigations in question against the firms HDW and IKL were not probes into a possible infringement of the United Nations arms embargo against South Africa but into a suspected infringement of official secrets regulations. It stressed that it had informed the Committee of all steps and measures taken in connection with the accusation of an infringement of the United Nations arms embargo through the export of submarine construction documents to South Africa and would continue to keep the Committee informed.

(e) International Conference on Combustion and Detonation Phenomena organized by the Fraunhofer Institute for Chemical Technology, 29 June-1 July 1988

98. In accordance with decisions taken at the Committee's 82nd meeting, on 24 June 1988, the Chairman addressed letters to the World Campaign and to the Federal Republic of Germany expressing the Committee's appreciation for their efforts in excluding South Africa's participation in the Conference.

(f) Arrests involving the "Blowpipe" missile system

99. The Committee considered information dealing with the arrest in France of three British subjects from Northern Ireland and of a United States national, reportedly for being involved in an arms deal with South Africa in an attempt to hand over a 4-foot long "Blowpipe" missile simulator, reportedly stolen from the British Army. They were found with a South African diplomat, based at the Paris Embassy, who was subsequently released after questioning.

(g) South Africa's participation in the International Defence Equipment and Avionics Exhibition in Turkey, 2-6 May 1989

100. At its 85th and 86th meetings, held on 21 July and 14 August 1989, the Committee considered information on the subject of South Africa's illegal participation in the International Defence Equipment and Avionics Exhibition (IDEA-89), held at Ankara from 2 to 6 May 1989. ARMSCOR, the South African armaments corporation, was said to have displayed the Rooikat armoured vehicle, the R-4 assault rifle, machine-guns, rocket systems, mortars, grenade-launchers, a variety of ammunition and anti-riot weapons, as well as other ARMSCOR night-sight equipment, laser range-finders and periscopes. South African journalists had apparently been given entry visas to Turkey to report on the show.

101. In accordance with the decisions taken at the Committee's 85th meeting, the Chairman addressed a note verbale, dated 21 July 1989, to Turkey, enclosing reports from a non-governmental organization and published sources and requesting the Government's comments on the matter.

102. In that connection, on 28 July 1989, Turkey transmitted an interim response, stating that the Committee's note verbale had been transmitted to the competent Turkish authorities and that the Government would keep the Committee fully informed about developments in connection with the case.

(h) Co-production by Chile and South Africa in 1989

103. At its 85th meeting, on 21 July 1989, the Committee considered reports that in the course of the previous week, General Magnus Malan, the South African Defence Minister, had undertaken a two-week visit to Chile to discuss closer military collaboration with Chile, had visited the Cardoen bomb factory at Iquique, in northern Chile, to inspect the testing of the first locally assembled 155 mm G-5 gun, a South African Howitzer, and that Carlos Cardoen was said to have confirmed that the co-production agreements with ARMSCOR provided Chile with access to technology that had not been available previously.

104. In accordance with the decisions taken at the Committee's meeting, the Chairman addressed a note verbale, dated 21 July 1989, to Chile, drawing its attention to the reports from a non-governmental organization and from published sources and requesting the Government's comments on the matter.

105. Two replies dated 1 and 10 August 1989 were received from Chile, the first being an interim response, the second a substantive one stating, *inter alia*, that the sole factual element in the allegations was that Cardoen, a Chilean private company enjoying, like all Chilean companies, broad freedom to conclude commercial agreements, had acquired technology from a South African firm, ARMSCOR, enabling Cardoen to manufacture Chilean arms in Chile. Also, the Punta Arenas shipyard being built by the Chilean firm Chile ASMAR in co-operation with the South African firm Sandock Austral, was engaged only in non-military activities, its capacity being limited solely to the repair of small vessels, particularly fishing boats.

3. Statement by the Commonwealth Committee of Foreign Ministers on Southern Africa on the arms embargo, issued at Harare on 8 February 1989

106. At its 86th meeting, on 14 August 1989, the Chairman drew the Committee's attention to the statement on the arms embargo against South Africa, issued at Harare on 8 February 1989 by the Commonwealth Committee of Foreign Ministers on Southern Africa. The text was transmitted to the Committee on 1 August 1989 by Canada.

107. The statement recalled that, at Toronto, the Commonwealth Committee had invited Commonwealth and other Governments to consider prohibiting technology transfer that was designed to enable South Africa to circumvent existing sanctions, particularly in the areas of arms, oil and computers. According to the statement, with a view to tightening the mandatory United Nations arms embargo against South Africa and in order to ensure that there was no misunderstanding about the Commonwealth ban, or the Commonwealth's interpretation of the United Nations ban, the Commonwealth Committee commended the following clarifications of what exports

should be banned as "arms-related matériel" by way of supplement to the suggestions made in Security Council resolution 591 (1986):

"(i) Arms, ammunition, implements or munitions of war, or any articles deemed capable of being converted thereinto or having a strategic or tactical value or nature. Materials, equipment and technologies which are designed or used for the development, production or utilization of arms, ammunition or implements of war. Materials and equipment incorporating unique technology, the acquisition of which by South Africa may reasonably be expected to give assistance to the development and production of arms, ammunition and implements of war, of their means of utilization or delivery, or counter-measures to them. Materials, equipment and technologies of which South Africa has a deficiency and which may be critical to the production of arms, ammunition or implements of war, or their means of delivery or counter-measures to them.

"(ii) Strategic or tactical nature or value to be considered to include goods which assist in the maintenance of repression in South Africa; specifically exports of high technology including aircraft, aircraft engines and parts thereto, data processing equipment and software, electronic and telecommunications equipment; and also exports of four wheel drive vehicles."

108. The Commonwealth Committee called for the above provisions, in conjunction with those contained in resolution 591 (1986), to be made mandatory by the Security Council.

109. The Commonwealth Committee also urged that:

(a) A monitoring unit be established at the United Nations in order to assist the Security Council Committee. The Unit would, inter alia, investigate alleged breaches and publish its findings regularly;

(b) Measures be considered for preventing foreign technology and expertise from assisting the internal armaments industry of South Africa and for subsidiaries in South Africa of overseas companies being prohibited from manufacturing or supplying any items having a strategic or tactical value which would enhance the capability of the military and security forces;

(c) The provision in Security Council resolution 418 (1977) relating to licences be strictly applied with a view to all licences being terminated.

110. The Commonwealth Committee "further called for a mandatory embargo on the import of South African arms and military goods to complement the embargo on the export of arms and, in particular, for the Security Council to make its resolution 558 (1984) [of 13 December 1984] on the import of arms mandatory". It encouraged all Commonwealth members to provide the Secretary-General with details about how they had implemented the United Nations arms embargo as well as the further measures to strengthen that embargo which had been adopted by the Commonwealth.

4. Holding of closed hearings by the Committee on 14 and 27 September 1989 on the implementation of the arms embargo

111. In accordance with the decisions taken at its 85th, 86th and 87th meetings, on 21 July and 14 and 22 August 1989, the Committee held closed hearings on the implementation of the arms embargo at its 88th meeting, on 14 September 1989, and at its 89th and 90th meetings, on 27 September 1989. In addition to a number of special invitees, who included officials from Governments and the Chairman of the Special Committee against Apartheid, the Committee heard testimony from other expert witnesses invited in a private capacity or from non-governmental and other organizations. At its 88th meeting, the Committee heard statements by the Chairman of the Special Committee against Apartheid, H.E. Mr. Joseph N. Garba; Professor Ronald Walters, Howard University, Washington; and Miss Jennifer Davis, Executive Director, American Committee on Africa. Speakers at the 89th meeting were Mr. Abdul S. Minty, Director, World Campaign against Military and Nuclear Collaboration with South Africa, Oslo, Norway; Mr. Gavin Cawthra, International Defence and Aid Fund for Southern Africa, London; Dr. Leonid L. Fitouni, Department of International Conflicts and Crisis of the Institute of Africa, Moscow; and Dr. Peter Lock, Hamburg University, Federal Republic of Germany. At its 90th meeting, the Committee heard statements by H.E. Mr. A. P. van Walsum, Director General for Political Affairs of the Ministry of Foreign Affairs, representing H.E. Mr. Hans van den Broek, Minister for Foreign Affairs of the Netherlands; Mr. Norbert Gansel, member of Bundestag Federal Republic of Germany; Dr. Thomas Young, School of Oriental and African Studies, London University, London; and H.E. the Right Honourable Joe Clark, M.P., P.C., Secretary of State for External Affairs of Canada.

112. A summary of the major points raised by the speakers at the closed hearings is given below.

G. Major points raised by the speakers at the closed hearings held by the Committee in September 1989

113. In the view of participants, the hearings were being convened in the context of an overall favourable international political climate and positive developments in the southern African region. Based on somewhat differing assumptions, the view was expressed that those developments gave ample evidence to warrant a major strengthening of the arms embargo.

114. Many speakers regretted that the recommendations submitted by the Committee to the Security Council in 1980 (S/14179) had not yet been adopted.

115. On the assumption that current developments in the region were an indication of South Africa's willingness to adapt to changes brought about as a result of international pressures, the view was advanced that as the arms embargo was but one of many instruments for exerting leverage, the current period required even more vigilance in monitoring and strengthening such pressure.

116. In the view of some participants, while South Africa spoke of regional peace and negotiations, its current rearmament programme was intended to re-establish its military and political dominance in the region. The role of the Committee was said to be clear: to deny at all costs any and all forms of assistance to South Africa that might conceivably assist its rearmament drive. Thus, it was vital that resolution 558 (1984) be made more comprehensive. It should cover all arms and related matériel, as well as the transfer of South African technology, licences, patents and know-how, and it should be made binding on all States. Resolution 591 (1986) was an important small step but it, too, needed to be made more comprehensive and mandatory. If the Security Council and the Committee took adequate and effective measures, they maintained, South Africa's military machine could be seriously weakened.

117. In the view of many speakers, South Africa was seeking to acquire some of the most advanced military technology, which would, as the Angola experience had shown, have battlefield and strategic ramifications.

118. It was maintained that, with declining air superiority and an acute shortage of new weapons systems, South Africa had been forced to retreat from Angola and Namibia owing to the impact of the mandatory arms embargo and the imposition of selective financial sanctions by some States.

119. The South African military budget was said to have grown from 3.1 billion rand to more than 9 billion. Of that amount, more than half (specifically some R 5.8 billion), was said to be earmarked for South Africa's Secret Special Defence Account, used mainly to obtain clandestine weapons from abroad. That fund, it was stated was the fourth largest in the entire budget and accounted for three times the amount spent on education, and twice the amount allocated to health. Those figures were said to show that, contrary to its repeated claims, South Africa was not self-sufficient in arms production and remained highly vulnerable to an arms embargo.

120. In April 1987, it was stated, the United States Administration had submitted a report to the United States Congress stating that South Africa obtained weapons from a variety of sources. All breaches of the arms embargo mentioned in that report, speakers stated, should be fully investigated by the Committee and the results should be made public. According to the report, prior to its decision in March 1987 not to sign new military contracts with South Africa and to let existing contracts expire, Israel appeared to have sold military equipment and to have provided technical assistance to South Africa on a regular basis. The evidence was said to be clear that substantial military collaboration between Israel and South Africa was continuing despite Israel's decision of March 1987, and it was maintained that the Committee should investigate that situation.

121. Speakers were of the view that, if all items on the restricted Co-ordinating Committee on Export Controls (COCOM) list were automatically prohibited for South Africa, then the problem would not arise particularly as regards the secrecy maintained on details of licensed exports. It was said that certain Governments had taken that step, but that among those that had not yet done so the regulations were applied less strictly in dealing with South Africa than in dealing with certain other countries.

122. The Committee was urged to give serious attention to the case of submarine construction plans illegally provided to South Africa by two firms, HDW and IKL, based in the Federal Republic of Germany. There was said to be mounting evidence to suggest that the submarines were in fact being constructed in South Africa. It was urged that the Federal Republic of Germany be persuaded to allow the State Prosecutor in Kiel to carry out a full investigation into all aspects of the transaction and to take all appropriate action against the offenders. The Committee was also urged to consider the question of the South African supply ship, the SAS Drakensberg, commissioned in November 1987, which apparently had also been constructed with foreign assistance, including, it was alleged, that of companies based in the Federal Republic of Germany.

123. The Committee was informed that, despite the undertaking by the Austrian Government in September 1983, reflected in a letter from the Foreign Minister of Austria addressed to the Director of the World Campaign, no steps had as yet been taken to close a major loop-hole in Austrian legislation on the arms embargo.

124. Some speakers stated that the direction of South Africa's rearmament drive, and the ways in which it would be carried out, were already clear in some respects. They were said to reflect, in many ways, a continuation of methods used by the South African Government since 1977 to undermine the arms embargo. Some recent cases were said to illustrate aspects of that process and to underline some of the urgent steps that must be taken immediately if the arms embargo was to achieve its objective of denying arms and related matériel to the apartheid régime.

125. In the view of some speakers, one of the most tangible successes of the arms embargo to date was that it had served to prevent the South African Air Force from acquiring modern jet fighters, thus effectively limiting South Africa's military-strategic options in the Angola-Namibia theatre and almost certainly contributing to the pressures on South Africa to agree to the implementation of Security Council resolution 435 (1978) of 29 September 1978 on Namibia's independence. It was said that, in order to fill its need for modern jet fighters, South Africa was engaged in the development locally of a new twin-engine combat aircraft, code-named "Cava project". It was held that the recruitment of foreign personnel and foreign assistance in the provision of components and technology were also clearly essential to South Africa's Cava project.

126. Some speakers said that, as a result of the embargo, the South African Air Force was facing a serious crisis and could not have been kept at its current level without the crucial assistance it received from Israel. They stated that at the end of 1986, for example, South Africa had been provided with Boeing 707s, converted by Israel for use in in-flight refuelling, which extended the operational range of its Mirage fighter aircraft as far as the United Republic of Tanzania. South Africa was said to have at least four such Boeings, fitted with radar equipment, which could be used for surveillance purposes.

127. It was alleged that the old French Mirage aircraft were being modernized and upgraded to Cheetahs with Israeli assistance and now looked similar to the Israeli Kfir aircraft. The modernization programme was said to have been stepped up with the recruitment of a large number of Israeli aircraft workers following the reported

abandonment of the Israeli Lavi aircraft project. It was also said that the Israeli experts' major project was the Cava project. It was maintained that, according to South African press reports, the Lavi fighter had initially been a joint South African-Israeli project from which South Africa had withdrawn in the early stages so that Israel could obtain United States aid, and that many of the avionic and other systems developed for the Lavi were expected to be used for the Cava.

128. The Cheetah aircraft were said to be powered with a modernized version of the original French-licensed Snecma Atar engine which, it was held, Israeli technicians had helped to make more fuel-efficient. It was said that there was further information that Israel intended to make available to Chile, and possibly Argentina, a variant of the Kfir, to be powered by the Snecma engine, and which, with its United States engine, could not be supplied to Chile because of the United States embargo against Chile. Thus, it was maintained, the high cost of modernizing the Snecma engine was to be offset by using it in the special version of the Kfir.

129. The Committee was urged to ask all Governments that had not yet done so to review, having regard to the objectives of resolution 418 (1977), all licences such as those for the Snecma engine, with a view to terminating them.

130. It was noted by some speakers that the Committee had been further informed about the April 1989 "Blowpipe" incident which, in their view, had revealed that South Africa was trying illegally to obtain sophisticated British missile technology in exchange for arms and money. In their opinion, recent developments in South Africa's major missile programme required urgent action by the Committee.

131. It was pointed out that, according to an article in The Washington Times in June 1989, South Africa was preparing to test a nuclear-capable intermediate-range ballistic missile with a range of 900 miles, believed to be a modification of the Israeli Jericho II missile, apparently as part of a joint Israeli-South African missile project. It was said that there would be a second test of the more advanced Israeli missile, the Shavit, with a range of 2,000 miles which could bring countries as far north as Kenya within South African range. In addition, ARMSCOR had been reported to have conducted at least two tests. Those developments, it was stated, confirmed that with such missiles South Africa could launch its own surveillance satellite as well as nuclear, chemical and other warheads, and it was hoped that the Committee would study all the facts and take urgent action.

132. It was stressed that the arms embargo should include a mandatory prohibition on all forms of nuclear collaboration with South Africa, which should also be immediately suspended from membership in the International Atomic Energy Agency. It was pointed out that, despite repeated promises, South Africa had still not signed the Treaty on the Non-Proliferation of Nuclear Weapons ^{2/} and had not submitted its unsafeguarded nuclear facilities to international inspection.

133. It was said that the existing regulations in the Federal Republic of Germany had permitted exports of MBB B-105, BK-117 and BO-105 helicopters to the South African police and to a number ofbantustans.

134. It was stated that an agent of ARMSCOR, posted to the South African Embassy in Paris, had been apprehended while obtaining a model of the British "Blowpipe" portable shoulder-fired anti-aircraft missile. The model was said to have been passed on in Paris in April 1989 by extreme Ulster loyalists, who reportedly had stolen it from the manufacturer, Short Brothers of Belfast.

135. Subsequent reports, it was stated, had indicated that the Blowpipe incident was merely part of a South African attempt to obtain the technology for the far more advanced Starstreak missile currently being developed by Short Brothers. Those reports were said to indicate that, as part of its comprehensive rearmament, ARMSCOR was developing a range of missiles such as Starstreak, one of the most advanced such missile systems. It was pointed out that three South African embassy officials had been expelled from France and three from the United Kingdom; and that that was by no means the first time that embassies of South Africa had been implicated in illegal arms deals and other violations of national law; and that officials in the Embassy had been involved in the Coventry case, in which four ARMSCOR officials had been arrested in the United Kingdom on charges of smuggling parts for guided weapons systems.

136. It was stated that in 1986, under the United Kingdom Customs and Excise Management Act, companies involved in the illegal smuggling of parts for 140 mm Howitzers had been allowed to pay an unknown sum in an exercise known as "compounding" and that in a similar case, in 1980, five companies that had smuggled arms worth £2 million had been compounded to the extent of £193,000. It was held that those examples illustrated the vital need for stiff penalties to be included in national legislation and for policy directives relating to the implementation of the mandatory arms embargo.

137. It was stated that ARMSCOR had been one of the bidders for a Turkish contract for the purchase of some 400 to 500 G-5 155 mm Howitzers, and that Turkey was also interested in buying a number of patrol vessels and at least four River-class mine counter-measures military vessels from South Africa.

138. It was noted that, since no systematized information on the purchase of arms was published in South Africa, it was necessary to rely on the sources of partner or third countries and international organizations in compiling such data. Thus, it was further noted, according to data provided by the Stockholm International Peace Research Institute (SIPRI), South Africa had received arms from Chile (126 Blowpipe missiles for 20 launchers), C-212-200 troop-carriers from Spain (six units) and United States surface-to-air Stinger missiles (three missiles bought from the Angolan group UNITA).

139. In connection with deals concluded through third countries by means of illegal operations, it was stated that, in 1988, as reported in the press, the delivery of spare parts for the Puma helicopter by the British concern Westland to the French arms-manufacturing company Aérospatiale, in accordance with an intergovernmental agreement, had turned up in South Africa under mysterious circumstances. Spare parts for the French Puma helicopter were said to correspond fully to the type of helicopters used by the South African Army.

140. It was maintained that during 1988, deals involving South Africa which Member States regarded as lawful had not been uncommon. Such deals included the delivery to South Africa of submarine construction plans by firms based in the Federal Republic of Germany and reports of the planned sale to South Africa of two Boeing 747-400 aircraft by the United States, notwithstanding the fact that the previous United States Administration had prohibited the sale to another country of Boeing-757 aircraft with similar equipment on the grounds that it could be used for military purposes.

141. In the view of some speakers, the continued importation of arms by South Africa was accompanied by increased exports, which partially covered expenditures for purchases abroad, and in that way the arms embargo seemed to be acquiring a new dimension. In spite of the arms embargo, it was pointed out, South Africa had been actively participating in international fairs, the most publicized being the exhibitions in Chile in 1988 and in Turkey in 1989. It was maintained that Latin America was currently one of the largest markets for South African arms, South African military exports to that region amounting to \$US 12 billion to \$US 14 billion annually. The joint production with Chile of 155 mm G-4 Howitzers for export to third-world countries was one of the largest projects.

142. It was said that there were a considerable number of third-world countries among the other purchasers of South African military equipment and that, as had been reported in the British press, during the war between the Islamic Republic of Iran and Iraq, both sides had used G-5 Howitzers. It was alleged that Sri Lanka was equipped with Buffle armoured troop-carriers and Morocco with Ratel vehicles.

143. One speaker stressed the methodology for analysing the question of the arms embargo should be based on all external factors promoting the stepped-up growth of South Africa's military potential. In that connection, the impact of the mandatory military call-up of foreign residents in South Africa and the transfer of new advanced technology and dual-purpose goods should also be studied. It was urged that special emphasis be given to collaboration with South Africa in the fields of computer technology, new materials, genetic engineering, molecular biology and nuclear research. Military research projects were said to be designed to achieve a qualitatively new level in South Africa's military potential.

144. One speaker stated that there was no longer any doubt that South Africa was undergoing a process of change. In his view, the international community must be clearer about the ultimate state of affairs it was aiming for in South Africa and in the region; South Africa had to be prevailed upon to move towards major structural reform within a certain time period; the South African authorities should be encouraged to overhaul their police methods and practices completely and to begin moving towards a genuinely national police force; South Africa should be pressed to make concessions that would unravel the bantustan structures, including the decommissioning of their pseudo-armies and pseudo-police forces as part of a process of creating a national army and national police force in the proper sense. The use of the arms embargo to effect such goals as the demilitarization of the region of southern Africa, the demilitarization of the maintenance of civil order and the demilitarization of the bantustans should be a purely tactical question, allowing for the possibility that it might be changed in scope or direction. A very uneven process of change was occurring in South Africa.

145. The view was expressed that the arms embargo was intended to be limited in objectives and not intended to create undue chaos in the South African economy. The Netherlands had implemented mandatory sanctions through the South Africa (Exports) Decree. It applied that Decree in conjunction with the list contained in the Strategic Goods (Exports) Decree, which was a virtual copy of parts of the COCOM list and consisted of four sections: the military and nuclear parts of the COCOM list; part of the COCOM list of industrial goods (notably sensitive equipment, such as computers); and a section enumerating various paramilitary goods which did not appear on the COCOM list. Thus, in implementing the mandatory sanctions the Netherlands used a list of goods that went beyond the "arms and related matériel", which were deemed to be covered under resolution 418 (1977). Moreover, in 1981, it had enacted the Arms Transportation and Licensing (South Africa) Sanctions Decree to implement the prohibitions on the transport of the relevant goods to South Africa and on licensing arrangements, which were also contained in resolution 418 (1977).

146. The position was stated that in Canada, implementation of the arms embargo had been secured through the Export and Import Permits Act (EIPA), in force since 1963, which provided an effective means of enforcement as well as a full schedule of penalties for violations. Under the Act, Canada controlled the export to South Africa of all military technology, arms and nuclear-related materials, including technology and spare parts. As a further initiative, in March 1989 Canada had added South Africa to its Area Control List (ACL). That meant that an export permit was required for all goods destined for South Africa and allowed Canada to forbid the export of all goods covered under the definition of arms and related matériel by the Commonwealth Committee of Foreign Ministers on Southern Africa. With regard to the importation of military equipment, Canada was denying import permits for all arms, ammunition, implements or munitions of war, or any article deemed capable of being converted into such goods, from South Africa.

147. It was proposed that the Committee should give serious consideration to the recommendations to strengthen the arms embargo put forward by the Commonwealth Committee of Foreign Ministers on Southern Africa (see paras. 106-110 above) with a view to recommending their adoption by the Security Council. It was noted that one of the major problems in ensuring effective implementation of the arms embargo arose from differing interpretations of the embargo by national governments regarding which goods should be banned for export to South Africa. Inconsistency in the interpretation of the embargo provided loop-holes and created confusion for companies which were trying to operate within established criteria. It was noted that the adoption of a clearer definition of "arms and related matériel" as recommended by the Commonwealth Committee of Foreign Ministers on Southern Africa could assist in the implementation of the arms embargo.

148. It was stated that, in many cases, former United States subsidiaries had been bought by South African companies that were known to be defence contractors, as, for example, the former South African subsidiary of IBM, Technology Systems International (TSI). TSI, in turn, was said to be part of Barlow Rand Ltd., which was a giant South African conglomerate and believed to be a key part of South Africa's military-industrial complex. Other Barlow Rand subsidiaries were said to be known arms producers. For example, Reunert Technologies Ltd. (Reutech) was said

to be supplying cluster bombs, components for armoured vehicles, electronic fuses for artillery and for rocket shells and military electronic and communications gear to the South African military and police. Thus, it was stated, while IBM technology went to one subsidiary, another subsidiary of the parent company was openly involved in the manufacture of military equipment.

149. It was held that the main problem with the mandatory arms embargo was that it did not establish a mandatory list of items to be prohibited by all Member States and that, instead, there were as many different national embargoes as there were States. It was further held that since most of South Africa's military acquisitions came from a small number of countries, the Committee should carry out a comprehensive study of national legislation of the individual States concerned and take appropriate action to ensure that all loop-holes were closed. The case involving the delivery to South Africa of two of three units of an electro-optical tracking system manufactured jointly by MBB and British Aerospace was said to raise fundamental questions about the operation of the arms embargo in the Federal Republic of Germany and the United Kingdom, as regards questions of establishing final user or intended use, as well as the apparent "exporting" of the responsibility for enforcing the arms embargo, as many members of the North Atlantic Treaty Organization (NATO) seemed to be doing.

150. It was pointed out that the distinction between military and civilian uses of so-called dual-purpose items was not relevant to the current state of affairs in South Africa, and it was urged that more attention be paid to ending the transfer of any technology that could assist South Africa's military machine, including the sale of computer hardware and software and other electronic items and technologies.

151. It was stressed that the recent instances of reported violations of the mandatory arms embargo in the Federal Republic of Germany stemmed more from insufficient vigilance than from sympathy with the brutal apartheid régime, to which all military assistance should be denied. It was said that with regard to the delivery to South Africa of submarine construction plans, it was not simply the fact of one sale that was at issue but rather South Africa's efforts to find a new branch of military production, not only to meet its own needs but also for export.

III. CONCLUSIONS

152. During the period under review the Committee has continued to pursue the tasks assigned to it by the Security Council under resolution 421 (1977) and subsequent resolutions. It has reviewed a number of cases involving violations of the arms embargo and, on the Committee's initiative, the Security Council has adopted resolutions 558 (1984) and 591 (1986). It has also held a number of hearings on the arms embargo, most recently in September 1989.

153. Although the arms embargo has had a considerable effect on the South African defence establishment, the cases reported to the Committee make it clear that arms and related matériel continue to reach South Africa in violation of its provisions. The Committee wishes to repeat the appeal to all States in its

statement of 30 December 1987, to tighten their scrutiny efforts and to increase their vigilance with regard to licensing procedures for the export or re-export of military equipment so as to ensure that none of it reaches South Africa in violation of Security Council decisions. The Committee also wishes to appeal to Member States to ensure that the provisions of the embargo are fully implemented in their national legislation and to mount thorough investigations of any reported violations that might be drawn to their attention. In order to deter violations of the embargo it is important that those who might be tempted to supply South Africa with weapons should be aware that contravention of the embargo will result in substantial penalties.

154. The Committee is concerned that where their activities have revealed deficiencies in the interpretation and implementation of the arms embargo, Governments should take all necessary steps to ensure that any loop-holes are closed.

155. For its part, the Committee will continue its efforts to ensure the effective implementation of the arms embargo to combat the threat to the maintenance of international peace and security constituted by the acquisition by South Africa of arms and related matériel.

Notes

1/ Pursuant to decisions taken by the General Assembly at its fortieth session relating to budgetary constraints, the practice whereby summary records were provided to the Committee was discontinued, beginning with its 68th meeting, on 19 May 1986. The practice was resumed, beginning with the 80th meeting, on 9 February 1988.

2/ General Assembly resolution 2373 (XXII), annex.

Annex I

Meetings of the Security Council Committee established
by resolution 421 (1977) concerning the question of
South Africa, 1978-1989

<u>Date</u>	<u>Year</u>	<u>Meeting</u>	<u>Date</u>	<u>Year</u>	<u>Meeting</u>
28 February	1978	1st meeting	8 September	1980	38th meeting
28 March	1978	2nd meeting	9 September	1980	39th meeting
5 April	1978	3rd meeting	10 September	1980	40th meeting
5 May	1978	4th meeting	16 September	1980	41st meeting
27 June	1978	5th meeting	17 September	1980	42nd meeting
11 December	1978	6th meeting	18 September	1980	43rd meeting
9 March	1979	7th meeting	18 September	1980	44th meeting
29 March	1979	8th meeting	19 September	1980	45th meeting
3 April	1979	9th meeting	30 March	1981	46th meeting
17 April	1979	10th meeting	31 March	1981	47th meeting
19 April	1979	11th meeting	20 April	1981	48th meeting
26 April	1979	12th meeting	30 April	1981	49th meeting
17 May	1979	13th meeting	4 May	1981	50th meeting
27 June	1979	14th meeting	6 May	1981	51st meeting
5 July	1979	15th meeting	7 May	1981	52nd meeting
13 July	1979	16th meeting	11 May	1981	53rd meeting
22 August	1979	17th meeting	14 May	1981	54th meeting
3 October	1979	18th meeting	28 January	1983	55th meeting
10 October	1979	19th meeting	24 June	1983	56th meeting
31 October	1979	20th meeting	1 September	1983	57th meeting
14 December	1979	21st meeting	23 September	1983	58th meeting
20 December	1979	22nd meeting	31 January	1984	59th meeting
13 February	1980	23rd meeting	9 April	1984	60th meeting
26 February	1980	24th meeting	14 June	1984	61st meeting
5 March	1980	25th meeting	9 November	1984	62nd meeting
14 March	1980	26th meeting	13 December	1984	63rd meeting
18 March	1980	27th meeting	12 April	1985	64th meeting
9 April	1980	28th meeting	22 August	1985	65th meeting

/...

<u>Date</u>	<u>Year</u>	<u>Meeting</u>	<u>Date</u>	<u>Year</u>	<u>Meeting</u>
23 April	1980	29th meeting	22 November	1985	66th meeting
14 May	1980	30th meeting	25 April	1986	67th meeting
18 June	1980	31st meeting	19 May	1986	68th meeting
26 June	1980	32nd meeting	21 May	1986	69th meeting
1 July	1980	33rd meeting	20 August	1986	70th meeting
10 July	1980	34th meeting	20 August	1986	71st meeting
6 August	1980	35th meeting	26 August	1986	72nd meeting
8 August	1980	36th meeting	27 August	1986	73rd meeting
29 August	1980	37th meeting	28 August	1986	74th meeting
24 November	1986	75th meeting	19 January	1989	84th meeting
15 December	1986	76th meeting	21 July	1989	85th meeting
26 February	1987	77th meeting	14 August	1989	86th meeting
27 February	1987	78th meeting	22 August	1989	87th meeting
18 December	1987	79th meeting	14 September	1989	88th meeting
9 February	1988	80th meeting	27 September	1989	89th meeting
10 March	1988	81st meeting	27 September	1989	90th meeting
24 June	1988	82nd meeting	11 December	1989	91st meeting
19 December	1988	83rd meeting			

Annex II

Bureau of the Security Council Committee established by
resolution 421 (1977) concerning the question of South
Africa, 1978-1989

Bureau elected at the 1st meeting, on 28 February 1978

Chairman: H.E. Mr. Abdalla Yaccoub Bishara (Kuwait)

Vice-Chairmen: Bolivia and Gabon

(No election was held in 1979. The Committee's Bureau for 1979
remained the same as for 1978)

Bureau elected at the 23rd meeting, on 13 February 1980

Chairman: H.E. Mr. Kwaja Mohammed Kaiser (Bangladesh)

Vice-Chairmen: Mexico and Niger

Bureau elected at the 46th meeting, on 30 March 1981

Chairman: H.E. Mr. Porfirio Muñoz-Ledo
(Mexico)

Vice-Chairmen: Philippines and Uganda

(No Bureau was elected in 1982)

Bureau elected at the 55th meeting, on 28 January 1983

Chairman: H.E. Mr. S. Shah Nawaz (Pakistan)

Vice-Chairmen: Togo and Guyana

Bureau elected at the 59th meeting, on 31 January 1984

Chairman: H.E. Mr. S. Shah Nawaz (Pakistan)

Vice-Chairmen: Peru and Upper Volta

Bureau elected at the 64th meeting, on 12 April 1985

Chairman: H.E. Mr. D. H. N. Alleyne (Trinidad and Tobago)

Vice-Chairmen: Burkina Faso and Peru

Bureau elected at the 67th meeting, on 25 April 1986

Chairman: H.E. Mr. D. H. N. Alleyne (Trinidad and Tobago)

Vice-Chairmen: Ghana and the United Arab Emirates

Bureau elected at the 77th meeting, on 26 February 1987

Chairman: H.E. Mr. Mohammad Hussain Al-Shaali (United Arab Emirates)

Vice-Chairmen: Ghana and Argentina

Bureau elected at the 80th meeting, on 9 February 1988

Chairman: H.E. Mr. Jai Ratap Rana (Nepal)

Vice-Chairmen: Argentina and Senegal

Bureau elected at the 84th meeting, on 19 January 1989

Chairman: H.E. Mr. Jai Ratap Rana (Nepal)

Vice-Chairmen: Colombia and Senegal

Annex III

States that have replied to notes dated 10 November 1977, 29 March and 18 May 1978 from the Secretary-General, in addition to those listed in annex II to document S/13721 of 31 December 1979

<u>Country</u>	<u>S/ document</u>
Angola	S/12804
Argentina	S/12798
Austria	S/12842
Bahamas	S/12949
Barbados	S/12803
Belgium	S/12860, S/12932
Benin	S/12779
Bulgaria	S/12753
Byelorussian Soviet Socialist Republic	S/12765 and Corr.1
Central African Republic	S/12832
Chad	S/12769
Colombia	S/12751, S/12813
Costa Rica	S/12741
Cyprus	S/12802
Czechoslovakia	S/12759
Denmark	S/12893
Ecuador	S/12795
Egypt	S/12772
Ethiopia	S/12812
France	S/12910
Gabon	S/12742
German Democratic Republic	S/12790
Germany, Federal Republic of	S/12904
Greece	S/12799
Hungary	S/12810
India	S/12780
Indonesia	S/12745
Iran (Islamic Republic of)	S/12746

<u>Country</u>	<u>S/ document</u>
Israel	S/12948
Jordan	S/12800
Kuwait	S/12744
Mexico	S/12761
Mongolia	S/12847
Netherlands	S/12947
New Zealand	S/12773
Nigeria	S/12846
Norway	S/12856
Philippines	S/12743
Poland	S/12754
Republic of Korea	S/12770
Spain	S/12785
Sweden	S/12774
Syrian Arab Republic	S/12747
Ukrainian Soviet Socialist Republic	S/12809
Union of Soviet Socialist Republics	S/12776
United States of America	S/12757
Venezuela	S/12750
Yugoslavia	S/12771
