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# SECURITY COUNCIL OFFICIAL RECORDS

TWENTY-EIGHTH YEAR

**1712<sup>th</sup>** MEETING: 14 MAY 1973

NEW YORK

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#### NOTE

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## SEVENTEEN HUNDRED AND TWELFTH MEETING

Held in New York on Monday, 14 May 1973, at 10.30 a.m.

*President:* Mr. Rahmatalla ABDULLA (Sudan).

*Present:* The representatives of the following States: Australia, Austria, China, France, Guinea, India, Indonesia, Kenya, Panama, Peru, Sudan, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

### Provisional agenda (S/Agenda/1712)

1. Adoption of the agenda.
2. Question concerning the situation in Southern Rhodesia:
  - (a) Letter dated 8 May 1973 from the representatives of Guinea and Kenya to the President of the Security Council (S/10925);
  - (b) Second special report of the Committee established in pursuance of Security Council resolution 253 (1968) concerning the question of Southern Rhodesia (S/10920 and Corr.1).

*The meeting was called to order at 11.10 a.m.*

### Expression of thanks to the retiring President

1. The PRESIDENT: I should like to start by taking this opportunity to pay tribute to my predecessor in the Chair during the month of April, my friend and colleague Mr. Pérez de Cuéllar of Peru. I am sure that members will agree with me that he conducted the business of the Council during his term of office with remarkable objectivity and firmness, blended with the diplomatic finesse for which he is known. So, on behalf of the Council, I take pleasure in extending our congratulations to him.

### Adoption of the agenda

*The agenda was adopted.*

Question concerning the situation in Southern Rhodesia:

- (a) Letter dated 8 May 1973 from the representatives of Guinea and Kenya to the President of the Security Council (S/10925);
- (b) Second special report of the Committee established in pursuance of Security Council resolution 253 (1968) concerning the question of Southern Rhodesia (S/10920 and Corr.1)

2. The PRESIDENT: This meeting of the Security Council has been convened in response to the request made by the

representatives of Guinea and Kenya, in a letter dated 8 May 1973 [S/10925], that the Council consider the second special report of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia [S/10920 and Corr.1].

3. I should now like to call upon the representative of Guinea, Mrs. Jeanne Martin Cissé, the Chairman of the Committee, to introduce the Committee's report.

4. Mrs. Jeanne Martin CISSE (Guinea) (*interpretation from French*): Mr. President, before I speak on the agenda item allow me to congratulate you on your accession to the presidency of the Security Council for the month of May. Being familiar with your qualities as a skilled diplomat and as a great African who is concerned with the problems of Africa and, more particularly, with the problems of southern Africa, my delegation, which has ties of friendship and brotherhood and frank co-operation with you and your mission, feels certain that, despite the complexity of the item before us, we shall arrive at satisfactory conclusions. I should like also to extend my congratulations to your predecessor, Mr. Pérez de Cuéllar, Ambassador of Peru, for the skilful manner in which he guided our work during the month of April.

5. It is I, as Chairman of the Committee established in pursuance of Security Council resolution 253 (1968) concerning the question of Southern Rhodesia, who have the honour to present to the Council the second special report of the Committee. Nevertheless, may I at the outset say that the completion of the report is due equally to the great experience and devotion of the two Vice-Chairmen of the Committee, Mr. Soegomo of Indonesia and Mr. Job of Yugoslavia, who, during my absences, were so good as to take over the chairmanship of the Committee and guide it in its efforts. In saying this I am thinking not only of the actual meetings of the Committee, but also of the work of the drafting group directed by Mr. Soegomo with the authority and competence with which we are all acquainted. I am most grateful to him and to Mr. Job.

6. This second special report has been prepared at the request of the Council under the terms of its resolution 320 (1972) of 29 September 1972. The object was to seek, in response to the urgent appeal of the African members of the Council, methods which would make it possible to put an end to the scandalous situation which, before the incredulous eyes of the international community, is unashamedly being allowed to continue in the very heart of our Africa.

7. And since I am speaking here both as Chairman of the Committee and on behalf of the delegation of my country, it seems to me to be worth while to recall the hopes placed by the Africans in the Security Council when, by its resolution 253 (1968) of 29 May 1968, it decided that the sanctions provided for by the Charter would be applied against the racist régime of Southern Rhodesia. That was the first time that the Council had used its right to apply sanctions and our faith was boundless. Alas, five years have elapsed since then—five years during which we have waited in vain for justice for our brothers. You will then readily realize what bitterness, what profound bitterness, envelops us when we continue to hear people equivocating about the means of obtaining that justice.
8. As is to be seen from a 24-point document submitted by the delegations of Guinea, Kenya and the Sudan, we would have wished to try to plug these leaks which defeat the Council's efforts and encourage the régime of Ian Smith.
9. Our requests were not exorbitant. We sought to have exports from South Africa, Angola, and Mozambique closely controlled so that firms cheating through the intermediary of those countries would see their risks increase.
10. We would have wished all States to refuse landing rights to the national carriers of countries continuing to grant landing rights to aircraft coming from Rhodesia or having air services with that territory as their destination.
11. We would have wished all States that had not yet done so to adopt legislative measures forbidding insurance companies to cover flights to or from Rhodesia. We would have wished States to adopt legislative measures also forbidding shipping companies to carry Rhodesian goods or goods intended for Rhodesia and forbidding insurance companies to insure either those goods or the vessels transporting them. We would have wished States to adopt legislative measures imposing on insurance companies the obligation to include in every contract a clause of nullity specifying that no goods coming from Southern Rhodesia would be covered by that contract.
12. We would have wished the blockade of Beira to be extended to include Lourenço Marques and to cover Rhodesian goods and products, and we would have wished that Member States prepared to do so would contribute to British patrols.
13. We would have wished States to communicate to the Committee their present sources of supply for products they imported from Rhodesia before the application of sanctions.
14. Finally, we would have wished the Security Council, this lofty international body, to call on the United States of America to rescind the senseless law which, by officially authorizing the violation of sanctions, ruins our hopes and its prestige.
15. Who will tell us that those proposals were unreasonable? Who can tell us they were excessive? Yet, despite the support of certain delegations to which we pay a tribute for their friendship and foresight, those proposals did not win unanimous support in the Committee. Members will therefore find them relegated to section IV of the report, where they are set quite apart, either as dangerous elements or—and this is the sincere hope of my delegation—like certain fruits of my country whose acidity takes a bit of getting used to.
16. The African proposals are not, however, in bad company: alternative proposals by the United States, France, the United Kingdom and the Soviet Union are there alongside them. And if, in that context, the positions expressed by certain delegations in section V of the report are studied, it cannot be denied that there is in the Committee profound concern regarding the situation prevailing in Southern Rhodesia.
17. I am submitting this report rather hapazardly. Leaving sections I and II, which are little more than introductory, we have gone through section IV and have recalled section V.
18. I am sure the Council will not hold it against me when I inform them that I have left until last section III, which was adopted unanimously. It is entitled "Recommendations and suggestions" and comprises paragraphs 10 to 22 of the report. It envisages measures to be taken by Governments, by the Committee or by the Secretary-General. Moreover, the terms of reference frequently overlap.
19. I shall mention only the most important proposals.
20. Among those addressed to Governments, one cannot overlook paragraph 10, which emphasizes the importance of States that have not already done so urgently instituting effective procedures at the point of import to ensure that goods imported from South Africa, Mozambique and Angola are not cleared through customs until they are satisfied that the documentation is in order and complete and to ensure that, if need be, procedures provide for the recall of goods cleared through customs for custody if it is subsequently established that they are of Southern Rhodesian origin.
21. Paragraph 21 should be understood in the same way: States trading with South Africa, Mozambique and Angola should be informed of the existence of certain discrepancies concerning goods originating in southern Africa. Those discrepancies appear in the amounts indicated for export by South Africa, Mozambique and Angola and the amounts indicated for import by their trading partners. That anomalous situation should therefore be clarified, and the States concerned should take precautions to make sure of the real origin of the goods in question. Paragraph 14 recommends that goods be seized in the event that they are of Southern Rhodesian origin.
22. In order to facilitate the often difficult task of national authorities in conducting enquiries, the Committee, as is indicated in paragraph 11, has considered the publication of a manual setting forth documentation and clearing procedures necessary to determine the true origin of products of doubtful origin. Furthermore, as is indicated in paragraph 12, it envisages publication of a list of experts

whose names are put forward to the Committee by Governments.

23. Furthermore, the Committee was concerned over the inadequate information it received. It is out of a desire to remedy that situation that in paragraph 13 the Committee recommends enlistment of the assistance of individuals and non-governmental organizations. In paragraph 16 the Committee says that Member States should draw the attention of the public to the importance of the relevant United Nations resolutions. And paragraph 17 recommends that Member States, especially those with extensive consular services in southern Africa, should be urged to assist the Committee in the collection of information on sanctions violations.

24. All those measures may lead to expenditures—particularly the use of experts and the measures the Committee may have to take to encourage the public to channel useful information. In paragraph 15 the Committee therefore envisages establishment of a special fund to be financed by voluntary contributions, especially by the proceeds of the sale of Southern Rhodesian cargo which has been seized. In this regard it may be worth while to recall that, in one case mentioned in the fifth annual report of the Committee,<sup>1</sup> the Government of Egypt, acting on the basis of information supplied by the Committee, confiscated the cargo in question. Furthermore, in a stroke of African solidarity, the Government spontaneously sent the cash receipts of the sale of that cargo to the Organization of African Unity in order to assist the liberation efforts of Africa. That is an example the Committee should encourage.

25. As regards the publicity to be given to the work of the Committee—and here there is a plan similar to that of the mobilization of public opinion—paragraph 20 says the Committee should circulate lists of all goods that Rhodesia is currently known to export so as to establish by comparison the extent to which South African, Mozambique and Angola exports have increased since the unilateral declaration of independence.

26. Furthermore, in paragraph 18 the Committee considers the release of quarterly lists containing names of companies found guilty of sanctions violations and Governments that have not responded within the prescribed period of two months to an inquiry from the Committee regarding cases of possible sanctions violations.

27. As the Council is certainly aware, the programme of work that the Committee has thus drawn up for itself is vast. But it simply adds to and completes the programme already set out in previous reports—in particular in the third annual report<sup>2</sup> and in the first special report [*S/10632 of 9 May 1972*].

28. The members of the Committee were unanimous—and we did not deem it necessary to include this in the report—in considering that the task entrusted to them by

the Council was one of paramount importance and in making it the full contribution expected of them. In their efforts they were assisted by a Secretariat team which my delegation—and here I believe I am speaking also on behalf of all members of the Committee—holds in the highest regard. That team, composed of excellent people whose devotion is total and whose impartiality has never been questioned, was the mainspring of our work.

29. But cases of suspected violation multiply and correspondence mounts unceasingly. Furthermore, the Committee is in ever-increasing need of research work and analysis. It therefore desires that the present team from the Secretariat which assists it should be considerably reinforced, not only for routine work but also at the technical level and, in particular, by the inclusion in it of a person with practical experience in international commerce. That is the unanimous recommendation expressed by the Committee in paragraph 19 of the report, and I wish to draw the Secretary-General's attention to this particularly.

30. That is what the Committee has included in this report. My delegation has sought to introduce it quite objectively, with due respect for the wisdom which cannot but flow from a unanimous decision which we hope will be endorsed by the Council.

31. But everything depends, of course, on the manner in which these recommendations are implemented. Knowing that politics is the art of the possible, the African delegations that have participated so closely in the preparation of this report have accepted a compromise. But too many companies are still cheating, too many authorities close their eyes, too many Governments allow themselves to be taken by surprise.

32. We should like assurances from those who have led us to accept this compromise. We should like them to tell us and affirm that they will do everything within their power to see to it that at least these over-modest recommendations will be totally implemented. Thus perhaps it will be possible for the question of Southern Rhodesia to be considered of itself, in itself, free from any distorting reflections of political friendships, military alliances and trade interests.

33. The Security Council is the noblest of our councils because it is the council of peace. But there is no peace without justice. What we ask of the Council, in its great strength, as laid down in the Charter, is freedom for our brothers, dignity for men, and justice for an oppressed people.

34. Mr. MOJSOV (Yugoslavia): Mr. President, first of all I should like to congratulate you most cordially on your assumption of the presidency of the Council for the month of May. My delegation is very happy to see you presiding over this meeting, as the representative of an African and non-aligned country with which my country has always enjoyed the best of relations, and one whose devotion to the struggle for changing the shameful conditions under which part of the African people in the south of Africa still live, is very well known. All of us here will certainly recall your personal, as well as your delegation's, unreserved

<sup>1</sup> *Official Records of the Security Council, Twenty-seventh Year, Special Supplement No. 2.*

<sup>2</sup> *Ibid; Twenty-fifth Year, Special Supplement No. 3 and 3A.*

efforts in promoting the sanctions policy against the racist régime in Southern Rhodesia within the framework of the Security Council Committee established in pursuance of resolution 253 (1968) concerning the question of Southern Rhodesia, whose second special report is now before us.

35. May I also express my delegation's admiration for the able and decisive way in which the representative of Peru, Mr. Pérez de Cuéllar, conducted the active work of the Security Council for the month of April.

36. Before turning to the subject on our agenda, I wish also to congratulate the representative of Guinea, Mrs. Jeanne Martin Cissé, Chairman of the Committee, under whose guidance that Committee has adopted its present report.

37. As the main theme of our meeting is the consideration of the second special report of the Committee, I am going to limit my remarks to questions which are dealt with in the report, although, of course, the whole complex of the problems of sanctions cannot be removed from the general framework of the situation in Southern Rhodesia, which is becoming increasingly serious and disturbing. It is, however, our understanding and hope that the Security Council will soon take up, at an appropriate time, this aspect of the Southern Rhodesian issue, too.

38. Precisely owing to the grave and dangerous situation in Southern Rhodesia, my delegation attaches particular significance to this latest report of the Committee and to the whole sanctions policy in general. This report is presented for the attention of the Council in a situation characterized by the continued and intensified oppression of the people of Zimbabwe by the illegal racist minority régime, by the arbitrary and unlawful imprisonment and detention of the legitimate representatives of the Zimbabwe people and the continued denial of fundamental human rights including, especially, the recent abhorrent measures of collective punishment. This situation clearly constitutes a threat to regional and international peace and security and provokes the legitimate struggle of the Zimbabwe people and their national liberation movement against oppression and against the policy of *apartheid* in Southern Rhodesia. The illegal régime is continuing its *apartheid* policy, especially by the establishment of so-called "tribal trust homelands", copying thereby the practice of *apartheid*, imported from South Africa. The illegal presence of South African forces in Southern Rhodesia is continuing. This seriously threatens the sovereignty and territorial integrity of neighbouring independent African States, as was clearly shown in the case of Zambia, which was recently the subject of the Council's deliberations. So far the administering Power has failed to take effective measures to put an end to the illegal régime and to discharge its primary responsibility by enabling the people of Zimbabwe to exercise freely their right to self-determination and independence. Furthermore, no steps towards the political solution of the problem have been made recently.

39. Turning now, more specifically, to the question of sanctions, we note that the situation remains gloomy and disturbing. The discrepancies—revealed in annex V of the

Committee's fifth report—between the quantities of certain commodities reported to have been imported from South Africa, Mozambique and Angola and the quantities reported to have been exported by those countries clearly indicate the flagrant and widespread violations of sanctions. It is clear that it is not done only by South Africa and Portugal through Mozambique and Angola, which is a very well-known fact, but also by many countries, especially some big and industrialized ones. The figures shown in annex V indicate that Southern Rhodesian exports have almost reached the pre-sanctions levels (\$399 million in 1965 compared to \$379 million in 1971) and that imports have surpassed the pre-sanctions level (\$334 million in 1965, compared to \$395 million in 1971). The United States is continuing to import chrome and nickel from Southern Rhodesia in open contravention of the provisions of the relevant Security Council resolutions and contrary to the specific obligations assumed by all Governments under Article 25 of the Charter. According to an article published in *The Times* of London, on 24 February 1973, that country has imported more than \$13 million worth of "strategic and critical commodities" from Southern Rhodesia since the adoption of the "Byrd amendment". Despite all appeals, there are still no signs that legislation now in force will be repealed or even that the appropriate authorities are undertaking the necessary steps in that direction. Not only that, but the sanctions loop hole created by the Byrd amendment is used for the purpose of importing, at present, a variety of Rhodesian products—beryllium ore, asbestos and others. Unfortunately, ships from a score of States, some members of the Council, participate in this illegal trade. Recently three Boeing 707 jet aircraft were delivered to the illegal régime through clandestine commercial and complicated financial transactions. The latest information indicates that three locomotives produced by the Simmering-Graz-Pauker company have also found their way into Rhodesia.

40. At the beginning of this year an analysis was made of all cases of suspected or possible violations of sanctions which were brought to the attention of the Committee since its inception. The number of such cases totalled 135. Of these, in 14 cases transactions were conducted with the knowledge of Governments, which means that, first, the violations were verified and, second, the Governments permitting the transactions took no punitive action. In only 27 cases one or more Governments reported punitive or preventive measures following requests or inquiries by the Committee. Five cases were closed because the Committee decided that no further action was necessary. This leaves us with approximately 90 cases in which no conclusive evidence has as yet been evinced that the reported suspected violations of sanctions did or did not occur. In all these cases the Committee sent inquiries to the Governments involved but it was unable to reach any decision, primarily, because: (a) some Governments have failed to reply; (b) the replies of some Governments were elusive, incomplete or did not relate to the matter at all; (c) the conduct of an investigation was indicated, but the results have never been made known to the Committee; and (d) certificates of origin issued by Portuguese colonial authorities were offered as proof that the goods were not of Southern Rhodesian origin, which certainly should be regarded as invalid and insufficient. Some of these cases are

four years old and yet the truth could not be established, let alone the violators prosecuted.

41. If we consider that the 135 reported suspected violations of sanctions represent merely a small fraction of all the transactions with Southern Rhodesia which are carried out on a world-wide scale, we will have a pretty clear picture of the present situation of the sanctions policy and of the Committee's ability to deal effectively with widespread violations.

42. But precisely because of the gloomy picture portrayed here, of which we all are very well aware, and because of the fact that the imposed sanctions have not yet brought the racist régime of Ian Smith to an end, we must not allow any relaxation in all the efforts to assure the effectiveness of the sanctions; we must not allow a feeling of indifference or resignation to take over. We must thus continue to lend full political support to the people of Zimbabwe, as has already been done in so many resolutions of the General Assembly, of the Security Council and of the Committee of Twenty-Four.<sup>3</sup> By doing so, we give heart to the people of Zimbabwe to continue their struggle against oppression and colonialist rule. We must exert all-out efforts in the sanctions Committee and in the Security Council with a view to improving the effectiveness of sanctions and their strict application to finding new measures that may prove to be useful in this respect and to rendering the violators' job more difficult. We must pursue these efforts firmly until the present Southern Rhodesian régime comes to an end. Recent information to the effect that the foreign currency reserves situation in Rhodesia is seriously deteriorating despite all illegal trade is an encouraging sign showing that the effects of our sanctions policy, incomplete as they are, are still proving to be at least partially effective.

43. A further step in this direction is now before us: it is incorporated in the report of the Committee, on which I should like now to comment briefly.

44. The Yugoslav delegation has supported, from the very beginning, all the proposals contained in the document submitted by the delegations of Guinea, Kenya and the Sudan, which has been accepted as a basis for the preparation of the report. Out of 24 proposals that the African document contains, 11 were accepted and included in the agreed portion of the report, with some modifications which, in our opinion, have detracted from their intended effectiveness while making them more palatable to some members of the Committee. But, even with those modifications, the agreed proposals, if applied in practice, could constitute an important and substantive step forward in the sanctions policy. There is, perhaps, no need for me to list them here, even briefly, as we have all no doubt read section III of the report, and we have just listened to the able presentation of those points by the representative of Guinea.

45. It should be noted, however, that the Committee was not able to come up with stronger and more meaningful

<sup>3</sup> Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

agreed recommendations concerning the type of action that could be taken in view of the open and persistent refusal of South Africa and Portugal to implement sanctions against Southern Rhodesia, although it was expressly instructed to do so in paragraph 4 of Security Council resolution 320 (1972). The African proposal, contained in paragraph 23 of the report, that the Security Council decide that all States limit their purchases of certain commodities—which are at the same time the main Southern Rhodesian exports—from South Africa, Mozambique and Angola to the pre-sanctions levels, and their proposals contained in paragraphs 24, 25 and 31, whose aim was merely to render more difficult the contraband to and from Southern Rhodesia through those territories, were not agreed upon, because of opposition on the part of a very few delegations.

46. The remaining African proposals, placed in the unagreed part of the report, especially those dealing with the question of insurance—paragraphs 28 and 29—and the one containing the recommendation that the United States be requested to co-operate with the United Nations and to revoke its existing legislation permitting the importation of minerals from Southern Rhodesia—paragraph 33—are all very reasonable and useful and indeed merit the attention of the Council. It is the opinion of the Yugoslav delegation, therefore, that the Council should seriously consider approving all the remaining African proposals too, as essential for the effective implementation of sanctions.

47. The Yugoslav delegation, together with the delegations of India, Indonesia, Panama and Peru, continues to support the African proposals and positions contained in section IV of the report, as expressed in paragraph 44. We shall, therefore, support every motion that the Council endorse the African proposals contained in section IV, together with the proposals embodied in section III of the report.

48. In addition, the Yugoslav Government's position, as pointed out in paragraph 60 and expressed on previous occasions, is that sanctions against Southern Rhodesia can be fully effective only if they are applied against Portugal and South Africa as well. That is why we fully agree with the delegations that have expressed the same view in the report.

49. Let me conclude with a few words about the problem of Southern Rhodesia in general, of which the sanctions constitute an inseparable part. This is a grave problem which makes it imperative for us constantly to improve, widen and tighten the sanctions.

50. The basic elements of the solution of this problem are outlined in numerous resolutions of various United Nations organs, including the Security Council. The people of Zimbabwe have the inalienable right to self-determination, freedom and independence and also to secure the enjoyment of this right by all available means at their disposal. There should be no independence before majority rule in Zimbabwe, and any settlement relating to the future of the Territory must be worked out with the full participation of genuine political leaders and leaders of the national liberation movements, who are the true representatives of the people of Zimbabwe. The Government of the administering Power should not transfer or accord, under any

circumstances, to the illegal régime any of the powers or attributes of sovereignty. Instead it should bring about the conditions necessary to enable the people of Zimbabwe to exercise freely and fully their right of self-determination and independence, and it should convene, as soon as possible, a national constitutional conference where the genuine representatives of the people as a whole would be able to work out a settlement relating to the future of the Territory.

51. These are the only principles and courses of action which, if strictly observed and followed, are liable to bring a just solution to the people of Zimbabwe. That is why we have always supported them and will continue to do so. Furthermore, we think that the continuation and strengthening of the direct support and assistance of the United Nations and all its organs and agencies, as well as of all peaceful, progressive and anti-colonialist forces in the

world, to the struggle of the Zimbabwe people is indispensable. For its part, Yugoslavia will continue to lend its support and assistance in keeping with its progressive anti-colonial non-aligned policy, to the liberation and independence of all African nations.

52. We are convinced that the forthcoming tenth anniversary meeting of the Organization of African Unity in Addis Ababa and the Conference of Heads of State or Government of Non-aligned Countries in Algiers, which will be held this year in September, will bring some new elements and adopt some new decisions aimed at the final solution of this problem. It is in this general context that we shall continue to approach the issues of a better and more effective application of sanctions.

*The meeting rose at 12 noon.*