Chapter 3

THE SITUATION IN NAMIBIA

129. The Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970), comprising all members of the Security Council, submitted its report (S/9863) on 7 July 1970. The report described the Sub-Committee's activities at seventeen meetings held between 4 February and 7 July 1970, at which it had studied ways and means by which the relevant Security Council resolutions could be effectively implemented, heard five experts or petitioners and addressed requests for information relevant to its work to States, specialized agencies, the International Atomic Energy Agency, the United Nations Development Programme, the United Nations Council for Namibia, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Special Committee on Apartheid. Annexed to the report were the substantive parts of replies received from 51 States and the various United Nations bodies to which the request had been addressed.

130. The Sub-Committee considered that it could best serve the Security Council by drawing attention to such proposals as would be likely to command sufficiently broad support to ensure effective implementation and agreed that its report would contain any conclusions on which it had been able to reach agreement and also reflect the views of members on questions where unanimity had not been reached. Accordingly, the Sub-Committee's report contained a series of recommendations on political, economic, legal, military and other aspects of the question of Namibia. Annexed to the report were the texts of statements made at the 17th meeting by the representatives of France, Poland, Syria, the USSR and the United Kingdom expressing certain reservations.

131. Possible political measures recommended by the Ad Hoc Sub-Committee included requesting all States to refrain from any diplomatic or consular relations with South Africa that implied recognition of South African authority over Namibia; calling on States having relations with South Africa to issue formal declarations to the South African Government that they considered South African authority in Namibia illegal; and calling for the termination of all diplomatic and consular representation extending to or residing in the Territory of Namibia.

132. Possible economic measures included calling upon all States to terminate all commercial and industrial dealings with Namibia by state enterprises; to withhold from private enterprises any State financial support in Namibian commerce; to cease all State-controlled investment activities or concessions in Namibia; and to discourage private investment in Namibia by withholding protection of such investment against claims of a future lawful Government of Namibia.
133. In the legal field possible measures included a request, in accordance with Article 96, paragraph 1, of the Charter, for an advisory opinion from the International Court of Justice on "the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)"; a review by all States of all bilateral treaties between themselves and South Africa in so far as they applied to Namibia; and a request to the appropriate organs of the United Nations to review all multilateral treaties to which South Africa was a party that might relate to Namibia.

134. The military measures suggested were the possibility of requesting more stringent measures by States to give effect to the Council's resolutions calling upon all States to cease the sale and shipment to South Africa of arms, ammunition and military vehicles and all materials for their manufacture in that country. The Sub-Committee further suggested the possibility of requesting the United Nations Council for Namibia to report on its study concerning the issuance of passports and visas for Namibians and to undertake a study regarding special visa and passport regulations to be adopted by States concerning travel of their citizens to Namibia. It also recommended the possibility of calling upon all States to discourage the promotion of tourism and emigration to Namibia and of requesting the General Assembly to establish a United Nations Fund for Namibia to assist persecuted Namibians and to finance education and training for Namibians with special regard to their future administrative responsibilities in the Territory.

135. In conclusion, the Sub-Committee suggested that the Security Council should consider requesting it to study further effective ways and means of implementing the relevant resolutions of the Council, in accordance with the appropriate Charter provisions, in the light of the flagrant refusal of South Africa to withdraw from Namibia.

136. An addendum to the report of the Ad Hoc Sub-Committee (S/9863/Add.1/Rev.1), containing the substantive parts of two additional replies from States to the Sub-Committee's inquiry, was issued on 23 September 1970.

137. In a letter dated 27 July 1970 addressed to the President of the Security Council (S/9886), the representatives of Burundi, Finland, Nepal, Sierra Leone and Zambia requested an early meeting of the Council to consider the report of the Ad Hoc SubCommittee.

138. On 29 July, at its 1550th meeting, the Council included in its agenda the report of the Ad Hoc SubCommittee, as well as the letter from the representatives of the five countries requesting a meeting of the Council.

139. The Council had before it two draft resolutions. The first, sponsored by Burundi, Finland, Nepal, Sierra Leone and Zambia (S/9891), read as follows: "The Security Council, "Reaffirming once more the inalienable right of the people of Namibia to freedom and independence recognized in General Assembly resolution 1514"
"Reaffirming Security Council resolutions 264 (1969) of 20 March 1969 and 276 (1970) of 30 January 1970 in which the Council recognized the decision of the General Assembly to terminate the Mandate for South West Africa and assume direct responsibility for the Territory until its independence and in which the continued presence of the South African authorities in Namibia, as well as all acts taken by that Government on behalf of or concerning Namibia after the termination of the Mandate, were declared illegal and invalid, "Recalling its resolution 269 (1969) of 12 August 1969, "Noting with great concern the continued flagrant refusal of the Government of South Africa to comply with the decisions of the Security Council demanding the immediate withdrawal of South Africa from the Territory, "Deeply concerned that the enforcement of South African laws and juridical procedures in the Territory have continued in violation of the international status of the Territory, "Reaffirming its resolution 282 (1970) of 23 July 1970 on the arms embargo against the Government of South Africa and the significance of that resolution with regard to the Territory and people of Namibia, "Recalling the decision taken by the Security Council on 30 January 1970 to establish, in accordance with rule 28 of the provisional rules of procedure, an Ad Hoc Sub-Committee of the Security Council to study, in consultation with the Secretary-General, ways and means by which the relevant resolutions of the Council, including resolution 276 (1970), could be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia, and to submit its recommendations to the Council, "Having examined the report submitted by the Ad Hoc Sub-Committee (S/9863) and the recommendations contained in that report, "Bearing in mind the special responsibility of the United Nations with regard to the Territory of Namibia and its people, "1. Requests all States to refrain from any relations—diplomatic, consular or otherwise—with South Africa implying recognition of the authority of the Government of South Africa over the Territory of Namibia; "2. Calls upon all States maintaining diplomatic or consular relations with South Africa to issue a formal declaration to the Government of South Africa to the effect that they do not recognize any authority of South Africa with regard to Namibia and that they consider South Africa's continued presence in Namibia illegal; "3. Calls upon all States maintaining such relations to terminate existing diplomatic and consular representation as far as they extend to Namibia, and to withdraw any diplomatic or consular mission or representative residing in the Territory; "4. Calls upon all States to ensure that companies and other commercial and industrial enterprises owned by, or under direct control of, the State
cease all dealings with respect to commercial or industrial enterprises or concessions in Namibia; "5. Calls upon all States to withhold from their nationals or companies of their nationality not under direct governmental control, government loans, credit guarantees and other forms of financial support that would be used to facilitate trade or commerce with Namibia;
"6. Calls upon all States to ensure that companies and other commercial enterprises owned by, or under direct control of, the State cease all further investment activities, including concessions in Namibia;
"7. Calls upon all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end withhold protection of such investment against claims of a future lawful government of Namibia; "8. Requests all States to undertake without delay a detailed study and review of all bilateral treaties between themselves and South Africa in so far as these treaties contain provisions by which they apply to the Territory of Namibia; "9. Requests the Secretary-General of the United Nations to undertake without delay a detailed study and review of all multilateral treaties to which South Africa is a party and which either by direct reference or on the basis of relevant provisions of international law, might be considered to apply to the Territory of Namibia; "10. Requests the United Nations Council for Namibia to make available to the Security Council the results of its study and proposals with regard to the issuance of passports and visas for Namibians, and to undertake a study and make proposals with regard to special passport and visa regulations to be adopted by States concerning travel of their citizens to Namibia;
"11. Calls upon all States to discourage the promotion of tourism and emigration to Namibia;
"12. Requests the General Assembly, at its twenty-fifth session, to set up a United Nations fund for Namibia to provide assistance to Namibians who have suffered from persecution and to finance a comprehensive education and training programme for Namibians, with particular regard to their future administrative responsibilities in the Territory;
"13. Requests all States to report to the Secretary-General on measures they have taken in order to give effect to the provisions set forth in the present resolution; "14. Decides to re-establish, in accordance with rule 28 of the provisional rules of procedure, the Ad Hoc Sub-Committee on Namibia and to request the Sub-Committee to study further effective recommendations on ways and means by which the relevant resolutions of the Council can be effectively implemented in accordance with the appropriate provisions of the Charter of the United Nations, in the light of the flagrant refusal of South Africa to withdraw from Namibia; "15. Requests the Sub-Committee to study the replies submitted by Governments to the Secretary-General in pursuance of operative paragraph 13 of the present resolution and to report to the Council as appropriate;

"16. Requests the Secretary-General to give every assistance to the Sub-Committee in the performance of its tasks;
"17. Decides to remain actively seized of this matter."
The other draft resolution, sponsored by Finland (S/9892), read as follows:
"The Security Council,
"Reaffirming the special responsibility of the United Nations with regard to the Territory and the people of Namibia,
"Recalling its resolution 276 (1970) of 30 January 1970 on the question of Namibia,
"Taking note of the report and recommendations submitted by the Ad Hoc Sub-Committee established in pursuance of Security Council resolution 276 (1970),
"Taking further note of the recommendation of the Ad Hoc Sub-Committee on the possibility of requesting an advisory opinion from the International Court of Justice,
"Considering that an advisory opinion from the International Court of Justice would be useful for the Security Council in its further consideration of the question of Namibia and in furtherance of the objectives the Council is seeking,
"I. Decides to submit, in accordance with Article 96, paragraph 1, of the Charter of the United Nations, the following question to the International Court of Justice, with the request for an advisory opinion which shall be transmitted to the Security Council at an early date:
'What are the legal consequences for States of the continued presence of South Africa in Namibia, notwithstanding Security Council resolution 276 (1970)?'
"2. Requests the Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question."
140. Opening the discussion, the representative of Burundi stated that the military expansion of South Africa had reached enormous proportions and was a certain source of a future world conflagration. The fate of Nambibians could not be discussed without taking into account the colossal military machinery assembled by South Africa to frustrate the self-determination of Africans in that Territory. South Africa had an astronomical defence budget, which had increased from 44 million rands in 1960 to 225 million rands in 1966-1967. The Council could not, as a guarantor of international peace, minimize the danger. The Pretoria leaders were prepared to carry their militaristic attitude beyond the frontiers of the two countries that they had subjugated. The main targets of the massive war preparations in South Africa were the indigenous people of the area. South Africa and Namibia had been turned into a base for aggression against the liberation
movements in southern and central Africa and against the independent African States within immediate reach of South Africa. South Africa's trading partners surely could not fail to recognize its aggressive objectives. Continuing, he said that the actions of the countries competing for the South African arms market were incompatible with their professed friendship for the African States. The attitude of the Pretoria regime called for effective treatment. South Africa had violated every principle of non-annexation and self-government that its leaders had once espoused, as well as General Smuts' proclamations regarding self-determination under the mandate system. He cited reports that South Africa had established air bases in Namibia that constituted a threat to independent African States and had neglected the health needs of Africans to an extent that was tantamount to genocide. Those were some of the principal reasons that should prompt all Governments to disassociate themselves from the proponents of apartheid. The representative of Burundi, on behalf of the sponsors, then introduced the five-Power draft resolution, which had been inspired by the recommendations of the Ad Hoc Sub-Committee.

141. The representative of Finland said that the various steps envisaged in the five-Power draft resolution flowed directly from the key provisions of Security Council resolution 276 (1970) declaring that South Africa's presence in Namibia was illegal and calling on States to refrain from any dealings with South Africa consistent with that stand. Turning to his delegation's draft resolution, he pointed out that an advisory opinion from the International Court of Justice would assist considerably in defining and spelling out in legal terms the implications for States of South Africa's continued presence in Namibia. It would also prove valuable in defining more precisely the rights of Namibians either in Namibia or abroad. Moreover, the opinion could underline that South Africa, through its own actions, had forfeited its Mandate. It was important to expose the false front of legality that South African authorities attempted to present to the world. There was, moreover, a need to reactivate the International Court, which was one of the principal organs of the United Nations and the highest international authority on law. Its role was essential for the development of a peaceful international order. The decline of its authority was damaging to the interests of the United Nations system and to the structure of international law. The request for an advisory opinion on a matter of great interest to the international community would reactivate it at a difficult time in its existence. In conclusion, he said that the two draft resolutions, together, constituted a programme of action for the United Nations in its efforts to help the Namibian people achieve self-determination and independence.

142. The representative of Sierra Leone said that his delegation endorsed the recommendations of the ad hoc Sub-Committee and urged all delegations that had reservations concerning the report to support it, as its adoption would contribute towards a solution of the problem. He also considered that the Council should not be discouraged from proceeding further on the matter to the International Court of Justice. Countries like Canada, France, the United States, the United Kingdom, Italy, Japan, Belgium and, particularly, the Federal Republic of Germany, which
had participated in the economic development of Namibia, could bring pressure to bear on South Africa to change its policy with regard to that Territory. The liberation movements in Namibia had asked for recognition of the legitimacy of their struggle and for United Nations assistance in making available material aid for that struggle, for Namibian refugees in Zambia and Botswana and for the education of Namibians. His delegation urged the

United Nations, its specialized agencies and its Member States to take full cognizance of those requests.

143. The representative of Nepal said that the report of the Ad Hoc Subcommittee had been weakened by reservations and the need to reduce the subcommittee's conclusions to the lowest common denominator; nonetheless, it represented some progress, and the five-Power draft resolution based on its recommendations was designed to secure the widest possible support. He noted that certain provisions of the draft were based upon steps taken recently by the United States Government and urged that other States, particularly South Africa’s main trading partners, take similar steps. At the same time, he hoped that the United States would take more effective measures in the future. His delegation strongly regretted that certain States were still supplying arms to South Africa and was not at all convinced by the argument of the British Government regarding the need for a defence arrangement with South Africa, which had no application in the present age. By occupying Namibia, South Africa had placed itself in the position of an aggressor vis-à-vis the United Nations and all Member States, individually and collectively. He noted signs portending a violent race conflict in Africa that merited action under Chapter VII of the Charter but recognized the impossibility of having an appropriate resolution adopted in view of the selfish activities of some permanent members. He stated that he would vote for the two draft resolutions and that his support of the Finnish draft resolution was on the understanding that the International Court of Justice would limit its opinion strictly to the question presented and not review or examine the legality or validity of the resolutions adopted by the General Assembly and the Security Council.

144. The representative of Colombia said that his delegation was in basic agreement with both draft resolutions. In connexion with the five-Power draft resolution, he felt that there should be close and, if possible, planned co-operation between the United Nations Council for Namibia and the Ad-Hoc Subcommittee. The problem of Namibia, he emphasized, was a constant concern to his delegation. Even though Colombia was not directly or materially affected, it was certainly not indifferent. The United Nations, he pointed out, would not be truly universal if the interests of all countries, no matter how weak or remote, were not recognized and constantly protected by all Members of the Organization.

145. The representative of Syria stated that the intransigence of South Africa in failing to heed any United Nations resolutions had made it abundantly clear that its aim was to annex Namibia and deny its people their most elementary rights. It was painful to realize that the Security Council had not applied the required sanctions because certain powerful members opposed such action. The Sub-
Committee had recognized that reality and recommended measures designed to put moral and material pressure on South Africa to change its policies. However, it was his delegation's belief that nothing short of sanctions would deter South Africa. The Finnish draft resolution did not ask for suspension of Security Council consideration of the matter before the Court reached a decision; rather it sought to add a valuable element to the range of actions that might be taken by States in opposing South Africa's occupation of Namibia. Accordingly, his delegation would vote for both resolutions.

146. The representative of Zambia said that the SubCommittee's report listed a number of measures that every Government might take in order to put pressure on South Africa to end its illegal occupation of Namibia. The United States, France and the United Kingdom were obstructing a settlement of the problem by blocking measures under Chapter VII of the Charter that would bring that occupation to an end and, instead, were providing South Africa with moral, political and economic support that enabled it to continue to defy world opinion and to subject the people of Namibia to inhumane treatment. The time had come for the Security Council to appeal to all trade unions throughout the world to refuse to handle shipments of arms to South Africa. In addition to its practical effect, an approach to the trade unions would serve to focus public attention on the problem of Namibia. In supporting the principle of self-determination as the basis for independence, States should bear in mind that southern Africa, with a common pattern of white domination, must be treated as a unit that the privileged white minorities in the region were not going to abdicate power voluntarily. It was also crucial to ensure that the response of the West to the issues of southern Africa should be in terms of freedom rather than race. Turning to the Finnish draft resolution, he said that despite some reservations, his delegation would support it, on the understanding that it would not affect efforts to continue pressing for political action on the question of Namibia.

147. The representative of Spain said that the work done by the Ad Hoc SubCommittee was positive and fruitful. It combined various initiatives and put its conclusions within the appropriate framework. As its task was not finished, he was pleased with the proposal to extend its mandate. South Africa's presence in Namibia and its failure to comply with the resolutions of the Security Council constituted a breach of international law. Moreover, South Africa had been practising the unanimously condemned policy of apartheid in that Territory. Thus, there had been violations of moral law and the principles of the Charter as well as international law. His delegation supported the five-Power draft resolution but had entered a reservation to operative paragraph 2 as juridically unnecessary. He supported the request for an advisory opinion in the hope that it would provide a definition of the international legal consequences of failure to comply with resolutions of a United Nations body and thus aid in achieving the United Nations objectives in Namibia.

148. The representative of the Union of Soviet Socialist Republics stated that the South African authorities had continued to defy the United Nations and apply their repressive policies in Namibia because of the political, economic and
military support that they received from the leading NATO Powers, which were trying to preserve their economic, military and political positions in southern Africa. In order for Namibia to achieve its independence, South Africa would have to withdraw its administration and armed forces from the Territory; only after the Western Powers ceased assistance to South Africa could that end be achieved. The Ad Hoc Sub-Committee had done some useful work, and the Soviet Union had proposed that, in order to exert pressure on South Africa and put an end to the unlawful occupation of Namibia, the Sub-Committee should recommend to the Security Council to call on all States strictly to observe the decisions of the Security Council and the General Assembly on Namibia and to put an end to all economic, trade, transport and other relations with the South African Republic. That was a more correct approach, so that the recommendations prepared by the Ad Hoc Sub-Committee and reflected in the draft resolutions which had been submitted could, in the opinion of his delegation, not be regarded as entirely adequate. More effective measures were required. At the same time, he had reservations regarding operative paragraphs 10 and 12 of the draft resolution. His delegation had doubts regarding the appropriateness of broadening the powers of the United Nations Council for Namibia, particularly with regard to the issuance of passports and visas. It supported the aims of the proposed fund for Namibia but thought that the fund should be supported by special taxes on foreign companies operating in African countries, including Namibia and South Africa. However, inasmuch as the African and Asian sponsors considered that the draft resolution would contribute to a solution of the problem, he would vote for it. His delegation had serious doubts about the draft resolution proposing that the matter should be referred to the International Court of Justice, since such a proposal could not be regarded as an effective measure and its adoption would merely delay the settlement of the question by creating the illusion that it could be settled by legal means instead of by recourse by the Security Council to serious political action.

149. The representative of Poland said that his Government's policy was to have the Declaration on the Granting of Independence to Colonial Countries and Peoples implemented with respect to Namibia. The main obstacle remained the policy of aggression and expansion followed by South Africa, buttressed by the economic and military assistance from a number of Western Powers. His delegation would vote for the five-Power draft resolution, even though it would have preferred a stronger one. Its hesitations stemmed from its view that it was not politically defensible to confine the measures which the Council would take to the Territory of Namibia independently of the occupying Power, as proposed in some provisions of the draft. It was illusory to deal with the economic relations of particular States with Namibia while disregarding their relations with South Africa. Operative paragraphs 1 and 2 of the draft resolution should not be interpreted by South Africa as representing a disavowal of previous decisions calling for a complete severance of economic and military relations with South Africa. In his delegation's view, the realization of the United Nations objectives in respect of Namibia required taking effective measures against South Africa.
Regarding the proposal for the establishment of a United Nations fund for Namibia, his delegation supported the view that it should be financed from levies on firms that operated in Namibia. Poland continued to provide the people of Namibia with direct assistance. In view of several considerations, including past experience with the handling of the question of Namibia by the International Court of Justice and the need to concentrate on political action based on political and legal decisions of the United Nations, his delegation would abstain on the draft resolution proposed by Finland.

150. The representative of Burundi said that the Finnish draft resolution was a corollary to the five-Power draft resolution in a global sense. However, there were apprehensions arising from the very bitter disappointment over the fate of the Namibian submission to the Court in 1966. The new request for an advisory opinion was not identical to the previous request, and the prestige of the Court could gain by a new attitude. The political decision of the General Assembly on the status of Namibia was irrevocable what ever else happened. He would vote for the Finnish draft resolution.

151. The President, speaking as the representative of Nicaragua, said that he would vote for the two draft resolutions.

Decisions- At the 1550th meeting, on 29 Ity 1970, the five-Power draft resolution (S/9891) was adopted by 13 votes to none, with 2 abstentions (France and United Kingdom), as resolution 283 (1970)

152. The representative of France asked for a separate vote on the last part of the operative paragraph I of the Finnish draft resolution reading "not. withstanding Security Council resolution 276 (1970)”, Decisions: The phrase was retained by 11 votes to none, with 4 abstentions (France, Poland, USSR, United Kingdom). The Council then adopted the Finnish draft resolution (S/9892) as a whole by 12 votes to none, with 3 abstentions (Poland, USSR, United Kingdom), as resolution 284 (1970).

153. In explanation of vote, the representative of the United States said that the substantial support given the two resolutions was a fitting tribute to the Ad Hoc Sub-Committee. His Government had announced measures to discourage investment in Namibia that he believed were reflected in the provisions of the five-Power resolution just adopted. United States support for the five-Power draft resolution did not, however, constitute an undertaking to contribute to a special fund for Namibia; nor could his delegation join in the reaffirmation, in the sixth preambular paragraph, of resolution 282 (1970), for which his delegation had not voted. The Council's decision to request an advisory opinion of the International Court of Justice for the first time was welcome because the international community had serious need for impartial and authoritative legal advice on the question of Namibia. The two resolutions would make a useful contribution to efforts to find a constructive solution to the problem. The United States would continue its efforts to persuade South Africa to acknowledge United Nations responsibility for Namibia.

154. The representative of France said that his delegation had on many occasions opposed the extension of a discriminatory and repressive policy to a Territory with international status in contradiction of the spirit of the Mandate. For that
reason, it had opposed any move by South Africa to divide or incorporate the Territory. At the same time, it was doubtful that power of the United Nations exceeded that of the League of Nations, and the latter did not seem to have been empowered unilaterally to deprive a country of its Mandate. In view of such doubts, his delegation had supported the Finnish draft resolution because it provided an opportunity for the International Court of Justice to clarify the legality of the revocation of the Mandate. There was no doubt, however, that the Mandatory Power had disregarded its obligations under Article 22 of the Covenant of the League of Nations.

155. The representative of the United Kingdom said that his delegation's basic position on both the legal and political aspects of the question had in no way changed. His delegation believed that the people of the Territory had an undisputed right to self-determination, but it could hardly support a draft resolution whose basis lay in earlier resolutions on which it had abstained in the past. Practical considerations had to be faced, and the United Nations should act within its capabilities. His delegation had abstained on the Finnish draft resolution because it believed that the submission to the International Court of Justice should be the issue of the status of South West Africa as a whole, and the resolution just adopted was based on certain assumptions that should be examined by the Court. There was a question whether the General Assembly was competent to terminate the Mandate, and if so, whether it was competent to vest in the United Nations responsibility for the Territory.

C. Subsequent communications

156. On 29 July, the Secretary-General transmitted to the International Court of Justice the text of resolution 284 (1970).

157. By a note dated 7 August, the Secretary-General transmitted Council resolutions 283 (1970) and 284 (1970) to States Members of the United Nations or members of the specialized agencies, drawing attention to the requests and calls to all States contained in resolution 283 (1970). A number of replies that have been received are being studied by the Ad Hoc Sub-Committee on Namibia.

158. By a letter dated 11 August (S/9903) addressed to the President of the Security Council, the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples transmitted the text of a statement drawing the Council's attention to the dangerous situation prevailing in Namibia and expressing the hope that the Council, in the light of the relevant provisions of resolution 283 (1970), would take effective steps to ensure achievement of the objective of ending the illegal occupation of the Territory by South Africa and enabling the people of Namibia to enjoy their fundamental rights.

159. On 18 August, the President of the Security Council issued a note (S/9911) stating that, after consultations among members of the Council, it had been agreed that the Ad Hoc Sub-Committee on Namibia established under Security Council resolution 283 (1970) should be composed of all members of the Security Council and that its rules of procedure and its officers should be the same as those of the
former Ad Hoc Sub-Committee established in pursuance of Security Council

160. In a letter dated 3 November (S/9973) addressed to the President of the
Security Council, the President of the United Nations Council for Namibia, in
pursuance of the request contained in paragraph 10 of Security Council resolution
283 (1970), drew attention to the fifth report of the United Nations Council for
Namibia to the General Assembly containing an account of the action taken by
the Council with regard to the issuance of travel documents to Namibians and
informed the Security Council that the United Nations Council for Namibia
proposed to undertake a study of the question of special passport and visa
regulations to be adopted by States concerning the travel of their citizens to
Namibia and to report to the Security Council in due course.

161. By a letter dated 19 January 1971 (S/10086), the Secretary-General
transmitted to the President of the Security Council the text of General Assembly
resolution 2678 (XXV) concerning the question of Namibia, in which the
Assembly invited the Security Council to consider taking effective measures,
including those provided for under Chapter VII of the Charter, in view of the
continued refusal by the Government of South Africa to comply with Security

162. By a letter dated 8 February (S/10109) addressed to the President of the
Security Council, the President of the United Nations Council for Namibia
transmitted a letter dated 11 January 1971 addressed to him by the Acting
Commissioner for Namibia, announcing that the travel documents scheme
authorized by the General Assembly had entered into operation with the issuance
of United Nations travel and identity documents to two Namibians currently
residents of Zambia by the office of the Commissioner for Namibia in Lusaka on
30 December 1970.

163. In letters dated 5 October 1970, 2 December 1970 and 16 April 1971,
respectively (S/9956, S/10020 and S/10178), addressed to the Secretary-General,
the representatives of Finland, Argentina and Chile replied to a note by the
Secretary-General of 7 August 1970 transmitting the text of Security Council
resolution 283 (1970), wherein the Security Council had addressed requests and
calls to all States. In their replies, which they requested should be circulated as
Council documents, those representatives transmitted the texts of notes by their
respective Governments to the Government of South Africa which declared that,
in conformity with Security Council resolution 283 (1970), the Governments of
Finland, Argentina and Chile did not recognize any authority of South Africa with
regard to Namibia and considered South Africa's continued presence in Namibia
illegal.

Chapter 4

QUESTION CONCERNING THE SITUATION IN SOUTHERN RHODESIA

A. Reports and communications to the Security Council and request for a meeting

164. On 1 July 1970, the Secretary-General issued a report (S/9853) containing
sixty-one replies he had received from States Members of the United Nations or
members of the specialized agencies and from the
specialized agencies and other international organizations to his communications requesting information on implementation of Security Council resolution 277 (1970) concerning the situation in Southern Rhodesia. An addendum to the report (S/9853/Add.1) containing 10 additional replies was issued on 1 October.

165. On 31 July, an addendum (S/9844/Add.3) was issued to the third report of the Committee established in pursuance of Security Council resolution 253 (1968), containing a note dated 9 July prepared by the Secretariat on Southern Rhodesian trade for 1969, together with statistical data on imports of commodities to and exports from Southern Rhodesia as reported by countries listed.

166. By a letter dated 26 August (S/9920), the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples transmitted to the President of the Security Council the text of a resolution on the question of Southern Rhodesia adopted at the Special Committee's 759th meeting on 25 August 1970, paragraph 9 of which drew the attention of the Security Council to "the increasingly dangerous situation in the Territory on account of the further repressive measures taken by the illegal racist minority regime". 

167. In a note dated 30 September (S/9951), the President of the Security Council, recalling his earlier note of 10 April 1970 concerning the membership of the Committee established in pursuance of Security Council resolution 253 (1968), stated that, as a result of consultations concerning the question of enlarging the Committee held since the submission of the Committee's third report on 15 June 1970, it had been agreed that, as of 1 October 1970, the Committee should be composed of all the members of the Security Council. He further stated that it had been agreed that the chairmanship of the Committee should rotate every month in English alphabetical order according to the Presidency of the Security Council.

168. In a letter dated 5 October (S/9960) addressed to the President of the Security Council, the representative of Brazil stated that, as an additional provision in compliance with Security Council resolution 253 (1968) and other relevant resolutions of the Council on the matter, the Brazilian Government had decided to adopt the exceptional measure of reestablishing the requirement of a certificate of origin, valid only if issued by a government authority of the country of origin, for all goods imported from South Africa, Angola and Mozambique.

169. In a letter dated 6 November (S/9975/Rev.1) addressed to the President of the Security Council, the representatives of Burundi, Nepal, Sierra Leone, Syria and Zambia stated that, since the adoption of Security Council resolution 277 (1970), a number of disturbing political and economic developments had taken place in the Territory of Southern Rhodesia that required the close examination and attention of the Security Council and requested an early meeting of the Security Council.

B. Consideration at the 1556th and 1557th meetings (10 and 17 November 1970)

170. At its 1556th meeting on 10 November, the Security Council included the letter from the representatives of Burundi, Nepal, Sierra Leone, Syria and Zambia in the agenda without objection, and the President of the Security Council drew
attention to a draft resolution submitted on 6 November by the same five Powers (S/9976). Under the operative part of that draft, the Council, acting under Chapter VII of the Charter, would call upon the United Kingdom as the administering Power not to grant independence to Southern Rhodesia without the fulfilment of majority rule; decide that the current sanctions against Southern Rhodesia should remain in force; urge all States to implement fully all Security Council resolutions on Southern Rhodesia, in accordance with their obligations under Article 25 of the Charter; deplore the attitude of those States that had persisted in giving moral, political and economic assistance to the illegal regime; urge all States, in furtherance of the objectives of the Security Council, not to grant any form of recognition to the illegal regime in Southern Rhodesia; and decide to remain actively seized of the matter.

171. Introducing the draft resolution, the representative of Nepal pointed out that two important United Nations documents, which had come out after adoption of the last Security Council resolution on Southern Rhodesia, gave a fair and accurate picture of the state of affairs in that Territory and an unbiased assessment of the effects of sanctions on the Southern Rhodesian economy. He referred to the third report of the Security Council Committee on sanctions, dated 15 June, and to the Secretary-General's introduction to his annual report. The incontrovertible evidence presented by the Committee on sanctions and the Secretary-General made it clear that the policies of sanctions had failed in their objective of bringing down the illegal regime of Southern Rhodesia. The leaders of the rebel regime remained as determined as ever ruthlessly to pursue policies designed, in the words of Mr. Smith, "to retain Western civilization in Southern Rhodesia and to stem the tide of rampant black nationalism along the Zambezi". Though not surprising, those developments nevertheless were disturbing. It was, therefore, the clear duty of the Council members to take stock of the situation periodically and to consider appropriate measures for achievement of their common objective. The draft resolution was self-explanatory in nature. The preamble reaffirmed previous Security Council resolutions adopted since the illegal declaration of independence five years ago, as well as the primary responsibility of the administering Power to enable the people of Southern Rhodesia to achieve selfdetermination and independence and, in particular, its responsibility of bringing about the end of the rebel regime. It expressed grave concern that certain States, contrary to their obligations under Article 25 of the Charter, had not complied with the provisions of the resolutions concerning application of sanctions. In that connexion, he recalled paragraph 104 of the third report of the Committee on sanctions, in which the Committee considered that the Security Council should again draw the attention of Member States to their obligations under the Charter, in particular the obligations to abide by decisions of the Security Council. Lastly, the preamble would have the Council act under Chapter VII.

172. He pointed out that the most important part of the draft resolution was operative paragraph 1, which sought to clarify and state unequivocally the central issue involved in the situation in Southern Rhodesia, namely, the existence of a racist minority regime that denied the majority its inalienable right to selfdetermination. The responsibility of the United Nations and the administering
Power did not end with the overthrow of the racist regime but with the full and effective application of the principle of self-determination as recognized in Security Council resolution 217 (1965). His delegation remained convinced that more energetic Council action was required to achieve that common goal.

173. The representative of Zambia stressed that since the Security Council had last discussed the question of Southern Rhodesia in March 1970, the Smith regime had consolidated its political, military and economic position and had embarked on a systematic campaign of genocide directed against leaders of the liberation movement, some of whom were dying in Rhodesian concentration camps. He said that although, statistically, sanctions had had some effect, the economy of Southern Rhodesia had survived without causing the white community any major difficulty. Indeed, the Smith régime was more strongly entrenched than before and received moral, political, economic and military support from South Africa and Portugal. One of the most disturbing developments was the attitude of the new British Government towards the question of sanctions against the rebel colony; it appeared to be willing to accept a settlement that would leave the African majority of the Territory under the control of the white minority. Accordingly, concerted action by Member States to maintain pressure on the Smith régime was very important, and he hoped that the Council would adopt the draft resolution unanimously.

174. The representative of Burundi warned that the continual violation of the embargo by many of Southern Rhodesia's trading partners would not only perpetuate the Smith régime's flouting of the most sacred human rights but its stubborn defiance of the supreme authority of the Security Council. In his view, therefore, it was the business of the Security Council, using the powers and prerogatives entrusted to it by the Charter, to reaffirm with redoubled force the invalidity of the independence flaunted by Ian Smith. That reaffirmation of the powers of the Security Council could best be effected by unanimous adoption of the draft resolution that the Afro-Asian members of the Council had submitted.

175. The representative of Sierra Leone stressed the need to confirm the Council's determination not to recognize the illegal régime of Southern Rhodesia and welcomed the approval in the British Parliament of continuing economic sanctions against it. He said that his delegation was especially concerned about the question of refugees. In interviewing members of liberation movements, which it supported and would encourage all members to support, his Government had discovered that there was much room for greater cooperation between the United Kingdom and the United Nations High Commissioner for Refugees in making certain that black Rhodesians were not left stranded outside their country where they might become a burden to neighbouring African countries that had offered them hospitality.

176. The representative of the United Kingdom of Great Britain and Northern Ireland questioned the Procedure followed by sponsors of the draft resolution, if they hoped to achieve a constructive result inasmuch as they had made no effort to consult his delegation, or even inform it, before asking for a debate and
submitting a draft resolution reaffirming the primary responsibility of his Government. In describing the positive steps that his Government was taking to meet its responsibilities with regard to the Rhodesian problem, he said that the British Government had a commitment to the electorate to see whether or not there was a realistic basis for a settlement of the Rhodesian problem in accordance with the five principles adhered to by Britain over the years. The first of those principles was that "the principle and intention of unimpeded progress to majority rule . . . would have to be maintained and guaranteed"; the British Government was committed to seeing that any settlement was acceptable to the Rhodesian people as a whole. His Government could not accept any fresh commitment in the Security Council that would restrict it in any way in reaching such a settlement, if that proved practicable. Nor did his Government consider it acceptable that the Security Council should, at that juncture, seek to lay down any conditions for a settlement. On the question of sanctions, his delegation regretted that they had not achieved their major political objective. However, it was undeniable that sanctions continued to exert pressure on the Rhodesian economy and to restrict its rate of development. Far from relaxing its attitude towards sanctions, the British Parliament had decided by an overwhelming vote to renew legislation imposing sanctions for another year. As for the draft resolution before the Council, it was a classic case of both too little and too much. It was too little in that two of its operative paragraphs seemed to repeat in less precise terms steps that the Council had already taken; it was too much in that operative paragraph 1 attempted to bind the United Kingdom not to grant independence to Southern Rhodesia without the fulfilment of majority rule. His Government had never accepted that commitment in a United Nations resolution and still could not do so. In conclusion, he said that the United Kingdom was not prepared to enter into negotiations with its negotiating position publicly dictated from outside; for that reason the draft resolution was unacceptable to his Government and, if pressed to a vote, his delegation would have to vote against it.

177. The representative of Spain said that the intolerable situation in Southern Rhodesia was due to the passivity of the administering Power. However, it would be of little avail to adopt another resolution, if the administering Power did not help to put it into practice. It was regrettable that the delegation of the United Kingdom was under instructions to oppose the draft resolution. Nevertheless, it was balanced and logical, and his delegation would vote in favour of it.

178. The representative of France stated that nothing new had occurred to change decisively the Rhodesian situation since the adoption of resolution 277 (1970) on 18 March. After admitting that some aspects of the third report of the Committee established in pursuance of resolution 253 (1968) were disappointing, he nevertheless noted with satisfaction that the rebel authorities were, in fact, being affected by the sanctions. He observed that the United Nations, in concert with the United Kingdom as the Administering Power, should take concrete initiatives to contribute to peaceful self-determination for the Rhodesian inhabitants, rather than making recommendations which were sometimes immoderate or inapplicable. Although his delegation had no objection to the substance of the draft resolution, it considered operative paragraph 1 legally doubtful, as its
language seemed to go beyond the powers of the Council. If it was not changed, his delegation would have to abstain.

179. The representative of Poland said that the existence of the minority racist regime in Southern Rhodesia was an open challenge to the people of Zimbabwe, of Africa and of the world, as well as to the United Nations, and that that regime had persisted and grown stronger despite the measures and resolutions approved by the Security Council and the General Assembly. The key to the paradox lay in the will and determination of the administering Power to discharge the responsibilities that it had always asserted. Had it demonstrated its determination, the declaration of independence could not have been made in 1965; nor would a series of negotiations have encouraged the Smith regime to stop fearing any external action and to proceed with subsequent political acts. Moreover, he pointed out, the minority regime continued to feel secure economically as well as morally and politically as a result of the support received from South African as well as from British and American interests operating in Southern Rhodesia. Although he endorsed the sanctions, he felt that they were still incomplete and ineffective, inasmuch as they could be circumvented through South Africa and the Portuguese colonies. Measures had to be taken commensurate with the situation in southern Africa as a whole, since the minority regime in Southern Rhodesia was the vassal of South Africa and a part of the ideological, military and economic system of that region. Accordingly, his delegation favoured the strengthening and full application of sanctions and supported the reference to Article 25 in operative paragraph 3. Recent developments, including two vetoes cast against the Afro-Asian draft resolution in March 1970 and open attempts to set aside sanctions, made it very clear that determination was vital to the success of any action by the Council to make the sanctions effective. He reiterated Poland's position of consistent non-recognition of the illegal regime and support of the liberation movement of the Zimbabwe people.

180. The representative of the Union of Soviet Socialist Republics said that the Security Council decision on Southern Rhodesia had been ineffective because the Salisbury racists had influential friends and protectors - South Africa and Portugal, who were their direct partners and allies in a colonial bloc engaging in racist terror in southern Africa; Britain, which bore the brunt of the responsibility for the establishment and maintenance of the present Southern Rhodesia regime, and a number of Britain's allies in the NATO military bloc. It was quite clear that if the Salisbury regime did not enjoy the protection and support of those countries and of certain other western Powers and did not receive direct economic and military aid from South Africa and Portugal, and through them from the western Powers, that regime would not be able to continue to exist and to exercise its tyrannical rule over the people of Zimbabwe. Furthermore, as the third report of the Committee established in pursuance of resolution 253 (1968) indicated, a number of States continued to trade directly with Southern Rhodesia and were even investing capital in that country's economy in gross violation of Security Council resolutions. The number of probable violations of sanctions had also
increased. Certain Western States were also giving the Southern Rhodesian regime political and moral support and were resorting to various manoeuvres designed to prevent the adoption of decisions in the Security Council and in other organs of the United Nations on full-scale sanctions against Southern Rhodesia. That was confirmed by the actions of the representatives of the United Kingdom and the United States in the Security Council in March 1971, when they had jointly applied the veto in the vote of the draft resolution of the African and Asian countries which provided, inter alia, for the extension of economic sanctions to South Africa and Portugal. His delegation viewed the draft resolution as not strong enough and considered operative paragraph 1 ambiguous. It would be desirable to redraft that paragraph to the effect that the Security Council called upon the United Kingdom to take the necessary steps for the immediate granting of independence to Southern Rhodesia, on the basis of a system of democratic government compatible with the aspirations of the majority of the population of that country. Subject to those remarks, the USSR delegation considered the draft resolution to be acceptable and would support it.

181. The representative of Syria said that the administering Power had condemned the racist minority in words, but in deeds it had shrunk from using effective means to ensure the supremacy of law and morality; that failure, he pointed out, was at the root of the problem. Even though only the use of force could dissuade the usurpers from their illegal enterprise, the international community should reaffirm its resolve not to recognize that regime and reaffirm the responsibility of the administering Power. The draft resolution not only condemned violations of the past decisions but reaffirmed and implicitly emphasized the need for more effective Council action.

Decision: At the 1556th meeting, on 10 November, the five-Power draft resolution (S/9976) received 12 votes in favour to one against (United Kingdom), with two abstentions (France and the United States), and was not adopted, owing to the negative vote of a permanent member of the Security Council.

182. Speaking in explanation of vote, the representative of Finland said that his delegation had voted for the draft resolution in order to reaffirm its support for the policy of sanctions against the illegal regime in Southern Rhodesia. Although that policy had not yet achieved its purpose, it had resulted in isolating the illegal regime diplomatically, economically, legally and morally. A further effort should be made, however, to find means by which sanctions might be applied more effectively. His delegation regretted that Council unanimity on the issue had broken down, inasmuch as the unity of purpose that had enabled it to take the historic step of imposing sanctions had not been destroyed.

183. The representative of the United States ad that his delegation would have been able to vote for most of the draft resolution but for its serious reservations about operative paragraph 1. It seemed inconsistent to reiterate in the fourth preambular paragraph the primary responsibility of the United Kingdom for self-determination in Southern Rhodesia and in operative paragraph 1 to prescribe in advance under Chapter VII of the Charter how that goal was to be achieved. Such a binding injunction could only complicate an already difficult situation. His delegation shared the concern of other Council members over the failure of the
illegal regime to agree to majority rule but considered it unwise to impede achievement of that objective by prescribing too rigid a framework for its pursuit. He expressed regret that procedures of consultation, which in the past had produced unanimity in the Council, had not been employed.

184. At the beginning of the 1557th meeting of the Security Council on 17 November, the President announced that during consultations held since the previous meeting, a draft resolution on the question had been prepared that appeared to have the support of all Council members. He added that, although the French delegation had repeated its reservations of 10 November, it had associated itself with the consensus favouring adoption of the draft resolution.

185. The draft resolution read as follows:

"The Security Council,

"Having considered the question of Southern Rhodesia,


"Gravely concerned that certain States have not complied with the provisions of resolutions 232 (1966), 253 (1968) and 277 (1970), contrary to their obligations under Article 25 of the Charter of the United Nations,

"Reaffirming the primary responsibility of the Government of the United Kingdom of Great Britain and Northern Ireland to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility of bringing the illegal declaration of independence to an end,

"Taking into account the third report of the Committee established in pursuance of Security Council resolution 253 (1968),

"Acting in accordance with previous decisions of the Security Council on Southern Rhodesia, taken under Chapter VII of the Charter,

"1. Reaffirms its condemnation of the illegal declaration of independence in Southern Rhodesia;

"2. Calls upon the United Kingdom of Great Britain and Northern Ireland, as the administering Power in the discharge of its responsibility, to take urgent and effective measures to bring to an end the illegal rebellion in Southern Rhodesia and enable the people to exercise their right to self-determination, in accordance with the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV) of 14 December 1960;

"3. Decides that the present sanctions against Southern Rhodesia shall remain in force;

"4. Urges all States to fully implement all Security Council resolutions pertaining to Southern Rhodesia, in accordance with their obligations under Article 25 of the
Charter, and deplores the attitude of those States which have persisted in giving moral, political and economic assistance to the illegal régime;

"5. Further urges all States, in furtherance of the objectives of the Security Council, not to grant any form of recognition to the illegal régime in Southern Rhodesia;

"6. Decides to remain actively seized of the matter."

Decision: At the 1557th meeting, on 17 November 1970, the draft resolution was adopted unanimously, i afrésolution 288 (1970),

186. After the vote the representative of Zambia expressed his disappointment that the Council had not been able to pronounce itself on the question of no independence before majority rule. His delegation had voted for the resolution because it reaffirmed all previous Security Council resolutions on the matter and on the understanding that it would supplement the armed struggle of the Zimbabwe people.

187. The representative of Nepal observed that the resolution took note of the third report of the Committee on sanctions and affirmed the Council's condemnation of the illegal declaration of independence in Southern Rhodesia. His delegation, however, was not entirely satisfied with the last preambular paragraph, which contained vacillating and tendentious wording; it would have preferred a direct, simple paragraph like that of the previous draft and of every Council resolution adopted since 16 December 1966. The matter was patently of world concern and the Council was duty-bound to see that its settlement conformed with the aim of full application of the principle of selfdetermination.

188. The representative of the United Kingdom said that his delegation had been able to support the resolution because it was a reiteration of measures already decided by the Council and because, unlike its predecessor, it took account of his Government's position that it could not accept any fresh commitment in the Security Council that would restrict its attempts to discharge its responsibility for Rhodesia.

189. The representative of Burundi said that paragraph 2 of the draft resolution contained a clear reference to the rights of the people of Zimbabwe and the responsibility of the British Government to grant them independence as soon as possible, in accordance with the principles of the United Nations Charter. His delegation deplored the failure of the United Kingdom to put an end to the rebellion and its decision to continue its timid approach to the problem.

190. The representative of the Union of Soviet Socialist Republics stated that the vote taken at the preceding meeting illustrated the direct support given the racist régime by individual permanent members of the Security Council, a situation that could not lead to any strengthening of the United Nations or enhancement of its effectiveness. His delegation had voted in favour of the resolution just adopted because it reaffirmed the condemnation of the illegal declaration of independence in Rhodesia; appealed to the administering Power to discharge, and not to evade, its responsibility to take urgent measures to bring to an end the illegal régime in Southern Rhodesia, which had instituted a system of terror and oppression against
the majority of the indigenous population; and reaffirmed earlier Council decisions, including sanctions.

C. Subsequent reports and communications

191. In a telegram dated 17 November, circulated at the direction of the President of the Security Council as document S/9985, the Minister of Foreign Affairs of the German Democratic Republic informed the President of the Security Council that the Government of the German Democratic Republic welcomed the Council's renewed discussion of the situation and condemned the disregard for the Security Council's decisions against the racist minority regime of Southern Rhodesia by a number of imperialist States.

192. By a letter dated 16 December (S/10048), the Secretary-General transmitted to the President of the Security Council the text of resolution 2652 (XXV), adopted by the General Assembly on 3 December 1970, concerning the question of Southern Rhodesia.

193. On 16 December (S/10049), the Secretary-General transmitted to the President of the Security Council the text of resolution 2621 (XXV), adopted by the General Assembly on 12 October 1970, concerning the programme of action for full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, drawing the Security Council's attention to the need for consideration of imposing an embargo on arms to the illegal regime in Southern Rhodesia.

194. On 16 June 1971, the Committee established in pursuance of Security Council resolution 253 (1968) submitted its fourth report (S/10229 and Add.1) to the Security Council covering its work since 15 June 1970 (S/9844). The report said that as a result of consultations held after the publication of its third report, the President of the Security Council had announced agreement that, as of 1 October 1970, the Committee would be composed of all members of the Council. Since then, the Committee had met 29 times, during which it had continued examination of 36 cases of suspected violations of the provisions of resolution 253 (1968) listed in its previous report and had considered 40 new cases brought to its attention, as well as information on attempts to evade sanctions against Southern Rhodesia. It had also received information from Governments on action taken to prevent violations or against violators. The Committee had also considered certain procedural issues aimed at facilitating its future conduct of work and the questions of consular and other representation in and outside Southern Rhodesia, delegations entering or leaving Southern Rhodesia, airlines operating to and from Southern Rhodesia, and immigration to and tourism in that Territory.

195. The Committee attached five annexes (S/10229/Add.1) to its report consisting of factual accounts of the cases carried over from previous reports, of new cases brought to its attention and of transactions conducted with and without the knowledge of reporting Governments; a note on the automobile industry in Southern Rhodesia; and a note on imports of ammonia into Southern Rhodesia as a basic element for fertilizers.
196. The Committee noted that there were severai commodities in which there appeared to be considerable trade with Southern Rhodesia in contravention of resolution 253 (1968), despite the efforts being made by the reporting Governments. Certain goods destined for Southern Rhodesia were being declared as destined for neighbouring countries in southern and eastern Africa, and goods exported from Southern Rhodesia were being imported into or allowed transit through countries on the basis of fraudulent or accommodation documents.

197. The Committee felt it necessary to draw the attention of the Security Council to four specific cases of transactions with Southern Rhodesia. In the case of the sale of an aircraft to Air Rhodesia by the Middle East Airlines via an intermediary in Mozambique, the Government of Lebanon had informed the Committee that the transaction had been conducted without its knowledge. In the three other cases, which concerned imports of Southern Rhodesia graphite into the Federal Republic of Germany and Rhodesian meat into Switzerland and exports of wheat by Australia to Southern Rhodesia, the Governments concerned had acknowledged, in their communications to the Committee, that those operations had been conducted with their knowledge and consent. With regard to the export of wheat from Australia, the Committee had taken under consideration the explanation given by the Government of Australia that, in view of the nature of wheat as a basic food-stuff of the people of Southern Rhodesia, the majority of whom were Africans, the export of wheat thereto was a humanitarian action permitted under the provisions of paragraph 3 (d) of resolution 253 (1968). Because of differences of opinion among members of the Committee, the report stated, particularly with regard to the claim that the transactions in question were of a humanitarian nature, the Committee had not passed any judgement on the question, leaving it for consideration by the Security Council.

198. The report further indicated that, in view of the fact that some Governments had allowed long periods of time to elapse before replying to its inquiries into the operations of sanctions, the Committee had decided that three months should be the maximum period of time in which such replies should be expected, after which automatic reminders would be sent to those Governments that had still not replied. Noting that Rhodesian commodities had continued to be accepted as emanating from neighbouring countries, the Committee reported that a note for Governments was being prepared which it believed would be a welcome complement to the Secretary-General's memorandum of 2 September 1969. It would deal with the attitude to be adopted towards documentation accompanying goods and information that Governments might bear in mind when faced with a suspect consignment.

199. In the final chapter of its report, the Committee expressed regret that it had been unable to reach agreement on a concluding chapter corresponding to chapter X, "Observations and recommendations", of its third report. It appended the original views and proposals of different members of the Committee and the summary records of its last three meetings, at which it had attempted to reach a compromise. In that endeavour, the delegations of Argentina and Nicaragua had suggested appropriate means of seeking to reconcile the different positions. A
working group had been established to that end, but the desired consensus had not been reached.