



General Assembly Security Council

Distr.
GENERAL

A/41/388 ✓
S/18121
2 June 1986

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-first session
Item 33 of the preliminary list*
POLICIES OF APARTHEID OF THE GOVERNMENT
OF SOUTH AFRICA

SECURITY COUNCIL
Forty-first year

Letter dated 30 May 1986 from the Chairman of the Special Committee
against Apartheid addressed to the Secretary-General

I have the honour to send herewith a copy of the declaration of the United Nations Seminar on Arms Embargo against South Africa, held in London from 28 to 30 May 1986 and organized by the Special Committee against Apartheid in co-operation with the World Campaign against Military and Nuclear collaboration with South Africa.

I would appreciate it if this declaration could be circulated as a document of the General Assembly, under item 33 of the preliminary list, and of the Security Council.

(Signed) Joseph N. GARBA
Chairman of the Special Committee
against Apartheid

* A/41/50/Rev.1.

86-15441 1788n (E)

/...

ANNEX

Final Declaration

of the

International Seminar on the

United Nations Arms Embargo against South Africa

(International Maritime Organisation, London, 28-30 May 1986)

DECLARATION
OF THE
INTERNATIONAL SEMINAR ON THE UN ARMS EMBARGO AGAINST SOUTH AFRICA

INTRODUCTION

The International Seminar on the UN **Arms** Embargo against South Africa **was** organised by the United Nations Special Committee against Apartheid, in co-operation with the World Campaign against Military and Nuclear Collaboration with South Africa, **in** London from 28 - 30 May 1986. It **was** attended by **representatives** of the United Nations bodies, governments, inter-governmental and non-governmental organisations, **national** liberation movements, anti-apartheid movements, Members of Parliament and experts.

RECENT DEVELOPMENTS

The Seminar took place at a time when **the** world has become increasingly aware of the **use** of force and violence by **the** apartheid regime **against the** peoples of South Africa and Namibia **as** well as against sovereign independent African states **in** the region. Faced with the determined and **intensified** resistance by **the** South African and **Namibian** people the apartheid regime has become **so** desperate that military force **has** now become **its** major instrument of internal and external policy. It has unleashed an undeclared **war against** independent Africa and the people of South Africa and of Namibia, where **it** retains **its** illegal occupation by force of **arms**. All forms of protest and opposition are met with the unrestrained **use** of **its** military machine which has been mobilised to **reinforce** the police force and other instruments of repression.

The Seminar met against the background of the Pretoria **regime's** unprovoked attacks **against** the capital cities of Botswana, Zambia and Zimbabwe on 19 May 1986 and reports of a renewed invasion of southern **Angola** by South African military forces. **These** unwarranted acts of aggression were further evidence that the situation in southern Africa had never before constituted such a grave threat to international peace and **security**. **It** was recognised that this **situation** had been further aggravated by the declared intention of the US administration to provide military equipment, including Stinger missiles) to the **South** African surrogate force **UNITA**. The provision of such military equipment would represent a prima facie breach of the UN mandatory arms embargo.

The deep crisis now facing the apartheid regime arising from the courageous resistance **of the** people of **South Africa** and Namibia led by their national **liberation** movements has exposed beyond doubt the vulnerability of the Pretoria regime to effective international action.

SOUTH AFRICA'S MILITARY AND NUCLEAR CAPACITY

The Seminar **examined** detailed expert evidence about South Africa's military and nuclear capability. It was reported that Pretoria's total defence spending had

now **risen** to well over **R5** billion per annum and that the maximum **strength** of **its** **force** **stood** at **613,000** personnel. It **was** **recognised**, however, that the deployment of **military** **forces** in **acts** of **aggression** **against** the **Frontline** **states**, in **Namibia** and in the **townships** and **rural** **areas** of **South** **Africa** **itself** had placed **major** **strains** on the operational capacity of the **South** **African** **armed** **forces**. The **Seminar** **expressed** **grave** **concern** at **expert** **evidence** of the further development of **South** **Africa's** **nuclear** **capability**.

It also **expressed** **concern** at **renewed** steps by the **Pretoria** regime to **enlist** **foreign** **nationals** into its **military** **forces**,

SOUTH AFRICA'S PRODUCTION AND PROCUREMENT OF ARMAMENTS

The **Seminar** **was** provided with a **thorough** **assessment** of the **apartheid** **regime's** capacity to **produce** and **procure** **armaments**. It found that the **South** **African** **armed** **forces** are highly dependent on external sources of supply for much of **its** main **armaments**. It further established that **contrary** to the **apartheid** regime's claims which **appeared** to enjoy **widespread** **acceptance** in various international circles, it was in **fact** not self-sufficient in the production of its arms and related materials of all types. In **several** **key** **areas** it is more **dependent** today on external supply of components, **spares** and other **items** than before and **is** therefore even more vulnerable to an effective arms embargo.

This external **dependency** was underlined by the evidence provided of the extensive clandestine operations which **had** been undertaken by the **Pretoria** regime in breach of the international **arms** embargo,

UN MANDATORY ARMS EMBARGO

The **Seminar** recognised that the adoption of Security Council **Resolution** 418 (1977) represented a vital and important first **step**, won through **long** years of active **struggle**. Whilst it was important not to underestimate the significance of **this** measure, experience to **date** had **demonstrated** that even **this** **limited** arms embargo has **not** been implemented strictly.

The **Seminar** **gave** detailed consideration to the operation of the arms embargo since 1977. Special attention was paid to the following areas:-

NATIONAL CONTROLS : Detailed studies of **the** national measures adopted by several **states** (including the **USA**, **UK** and the **FRG**) to enforce the embargo were presented to the **Seminar**. Participants were alarmed **to** find that in the **case** of **several** major western countries their **present** legal measures do not comply with **some** of the minimum requirements clearly stipulated in **Resolution** 418 (1977). For **example**, several **Important** states do not have any specific provisions to forbid the export of "**para-military**" equipment; **some** have very weak, if **any**, **provisions** to prevent the export of vital spares and components; **whilst** most **have** taken **virtually** **no** **steps** since 1977 to terminate licenses and **patents** already granted to **South** **Africa**. Moreover, certain states **have** **not** implemented measures to prevent **such** **transfers** of technology taking place since the adoption of the mandatory embargo in 1977.

In cases where legal measures have been adopted, the Seminar found that the way in which they are interpreted and implemented by individual government results in the apartheid regime being able to acquire substantial quantities, of vital military equipment, components, spares, and even plant, to manufacture arms and ammunition.

DUAL PURPOSE EQUIPMENT: It was recognised that one of the major 'loopholes' in the embargo related to so-called 'dual purpose' equipment, ie equipment which has both military and civilian applications. Concern was expressed that some states refused to embargo equipment unless it was specially designed for military purposes. Such interpretation of the embargo have enabled the Pretoria regime to secure vital military equipment such as radar, computers, electronic communications systems.

TRANSNATIONAL CORPORATIONS: It was recognised that a large number of subsidiaries and associate of TNCs operating in South Africa and Namibia play a vital role in undermining the arms embargo. They supply equipment, spare parts and components, thus meeting many of the requirements of the South African armed forces and its production and procurement agency ARMSCOR.

SOUTH AFRICAN ARMS EXPORTS: Evidence was presented to the Seminar of the extensive efforts of the Pretoria regime to promote exports of arms and related material in order to finance its internal armaments production industry. It noted that the UN Security Council had adopted Resolution 558 (1984) prohibiting the importation of arms, ammunition and military vehicles from South Africa. However, it does not cover military "related material" as does Resolution 418 (1977) and it is also non-mandatory.

The Seminar was alarmed that this non-mandatory decision to prohibit arms imports from South Africa has not been implemented by the adoption of specific legal measures by most of South Africa's trading partners, with some of them claiming that they do not need to do so since they have no intention to purchase any military products from that country.

PENALTIES: The Seminar also reviewed a number of cases involving breaches of the arms embargo which has resulted in prosecutions being initiated against offenders and was astounded to find that in several cases the penalties provided were totally inadequate compared to the gravity of the offence.

MONITORING AND ENFORCING THE ARMS EMBARGO

The Seminar attached great importance to monitoring the arms embargo and examined the role of the Security Council's Committee established by Resolution 421 (1977) on the Question of South Africa. It recognised that, despite all the obstacles, the Committee performed a valuable role during the early years and regretted that this appears to have been seriously curtailed during the 1980s. The Seminar expressed surprise that the Report of the 421 Committee,

submitted to the Security Council in September 1980 had so far not been fully debated and only one of its 16 recommendations for strengthening the embargo has been partially adopted, ie Resolution 588 (1984).

In this context the Seminar considered it vital that the information and expert evidence placed before it should be disseminated more extensively and follow-up action initiated both at the national and international level in order to make the embargo more effective. It emphasised the importance of examining in detail the provisions enacted by individual Member States to enforce the embargo and to persuade the governments concerned to review their legal measures with a view to strengthening them so that they at least comply fully and in every respect with all the terms and provisions of Resolution 418 (1977).

CONCLUSIONS

The Seminar stressed the importance of the mandatory arms embargo, which, despite its shortcomings, has created serious shortages for the South African military forces and deprived them of certain vital supplies. It recognised that the effectiveness of the embargo was due to the proper approach of the majority of member states of the United Nations and in large measure to the vigilance and prompt action of individuals and organisations committed to upholding the decisions of the United Nations. If all states exercised similar vigilance, the results could be far reaching and make much of the South African Defence Force inoperative.

In this context the Seminar recognised that the supply of arms to South Africa's surrogate forces involved in the destabilisation of independent African states amounts to a major breach of the arms embargo and urged the UN Security Council to give immediate attention to this matter.

The Seminar considered it to be of vital importance that the arms embargo against South Africa is made more effective and emphasised the need for special initiatives to be taken by all governments committed to the liberation of South Africa and Namibia, at the national and international level, to ensure that all states comply fully with the United Nations mandatory arms embargo and take further individual and collective measures to reinforce it and make it more comprehensive.

The Seminar was gravely concerned at the growing threat that the apartheid nuclear bomb presents to the peace of Africa and the world. It recognised that all nuclear collaboration with South Africa should be ended and did not accept that in the case of South Africa a meaningful distinction could be made between collaboration for peaceful purposes and that for nuclear weapons production,

Finally, the Seminar considered that oil is a vital military commodity which enables the Pretoria regime to perpetuate its oppression of the South African people, maintain its illegal occupation of Namibia, and attack and destabilise

independent African **states** in Southern Africa. The arms embargo is incomplete without a prohibition on the supply of petroleum and petroleum **products** to South Africa. The **Seminar therefore called for urgent action to be taken to prevent oil from reaching South Africa and Namibia.**

F I N A L R E C O M M E N D A T I O N S

The Seminar, recognising the need for urgent and **effective action to strengthen** and ensure the strict implementation of **the** UN mandatory arms embargo, adopted **the following recommendations:-**

- 1) The Security Council should meet as a matter of the utmost urgency to act upon the 16 recommendations of its Committee established by Resolution 421 contained in the Committee's **Report** of September 1980 (S/14179).
- 2) The voluntary embargo on **the** imports from **South Africa** of arms, ammunition of all typee and vehicles, adopted by Security Council resolution 558 **(1984)**, must **be** rendered mandatory and be expanded to include related material of all types, including **para-military** equipment.
- 3) The Security Council should determine that arms and related material of all **types** comprises **all** military, nuclear and other strategic **equipment**, including so-called 'dual purpose' equipment **such as** aircraft, radar, computers, vehicles of all types, etc as well as all types of equipment destined for use by the South African military, police and security forces.
- 4) The Security Council's Committee established under Resolution 421 should draw **up** a comprehensive **list** of items which would **automatically fall within the** scope of the arms embargo.
- 5) All states should adopt comprehensive **legislative** and other measures to ensure **that** the arms embargo is strictly implemented. **Such** legislative measures should involve effective penalties and also prohibit **the shipment of** arms and related material of all types to South Africa **and** Namibia.
- 6) All states should prohibit **the** export to South Africa and Namibia of all spare parts and components capable of being used in equipment falling within the **scope** of the embargo.
- 7) The Security Council **should** require all member states to revoke or terminate all licences previously concluded **with** South Africa to manufacture arms and related material of all types, including licences for **equipment** for the manufacture of such items. **Member state** which have not already done so should prohibit the granting of l **nces** for the manufacture in **South Africa** or Namibia of **any item falling within the scope of the** arms embargo.

- 8) All states should prohibit the transfer to South Africa or Namibia of all technology relating to the manufacture of arms and related material of all types and the UN Security Council should make such a prohibition mandatory.
- 9) The UN Security Council should impose a mandatory ban on all forms of nuclear collaboration with South Africa.
- 10) All states should end all forms of military collaboration with South Africa, including the exchange of military attaches, the holding of joint exercises, the exchange of military intelligence, participation in Conferences on military matters in South Africa or admitting South Africans to their military and technical academies as well as any military exchanges with South Africa,
- 11) All states should prohibit investment in South Africa in corporations or other institutions involved in the manufacture or supply of arms and related material of all types,
- 12) All states should adopt legislative measures to prohibit within their national jurisdiction the enlistment of their nationals for service with the South African military and police forces,
- 13) Member States and organisations should report on violations of the arms embargo to the United Nations and co-operate with the Security Council Committee established by Resolution 421 (1977) on the question of South Africa and the Special Committee against Apartheid in their enquiries and investigations on cases of violation of the arms embargo.
- 14) The Security Council should impose a mandatory oil embargo against South Africa.

The Seminar urged anti-apartheid movements and other non-governmental to redouble their efforts in investigating and exposing violations of the arms embargo and their campaigns to strengthen and ensure the strict implementation of the arms embargo. All states and organisations were urged to co-operate fully with the World Campaign against Military and Nuclear Collaboration with South Africa,

The Seminar appealed to the International Conference on Sanctions against Racist South Africa to endorse its Recommendations and expressed confidence that the International Conference would lead to a world-wide mobilisation in support of an effective arms embargo against South Africa and the imposition of mandatory economic sanctions.
