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# SECURITY COUNCIL OFFICIAL RECORDS

THIRTY-SEVENTH YEAR

**2397<sup>th</sup>** MEETING: 20 SEPTEMBER 1982  
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## CONTENTS

	<i>Page</i>
Provisional agenda (S/Agenda/2397) .....	1
Adoption of the agenda .....	1
The question of South Africa: Report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective (S/14179) .....	1

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## 2397th MEETING

Held in New York on Monday, 20 September 1982, at 11 a.m.

*President:* Mr. Masahiro NISIBORI (Japan).

*Present:* The representatives of the following States: China, France, Guyana, Ireland, Japan, Jordan, Panama, Poland, Spain, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

### Provisional agenda (S/Agenda/2397)

1. Adoption of the agenda
2. The question of South Africa:  
Report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective (S/14179)

*The meeting was called to order at 12 noon.*

### Adoption of the agenda

*The agenda was adopted.*

#### The question of South Africa:

**Report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective (S/14179)**

1. The PRESIDENT: As was agreed in the course of consultations on 16 September, the Council is meeting today in connection with the question of South Africa to consider the report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective [S/14179].
2. Members of the Council will recall that the report of the Committee submitted in accordance with paragraph 11 of resolution 473 (1980) was introduced at the 2261st meeting of the Council, on 19 December 1980, by the representative of Bangladesh in his capacity as Chairman for 1980 of the Security Council Committee established by resolution 421 (1977).
3. The Council has agreed in consultations to hear a statement from Mr. Muñoz Ledo in his capacity as

chairman for 1981 of the Security Council Committee established by resolution 421 (1977). If there is no objection, and in accordance with rule 39 of the provisional rules of procedure, I shall invite Mr. Muñoz Ledo to take a place at the Council table and to make his statement.

4. Mr. MUNOZ LEDO (Mexico), Chairman of the Security Council Committee established by resolution 421 (1977) (*interpretation from Spanish*): I should like to thank members of the Council who have invited me to participate in this meeting to inform the Council of my activities as Chairman of the Security Council Committee established by resolution 421 (1977).

5. I congratulate the President of the Council, Mr. Masahiro Nisibori, on his great competence and on the businesslike manner in which he is guiding its work, and I express the wish that the serious matters before the Council will be discussed in a fruitful way that will help to enhance the Council's authority.

6. I also express thanks to Mr. Nisibori's predecessors for their efforts in bringing about this meeting, which is now finally being held. In addition, it is only fitting that I recognize the effort of some non-permanent members, representatives of developing countries, who have made it their business to bring fresh impetus to the Committee's work.

7. The application of the arms embargo against South Africa has frequently been a source of frustration for many Members of this body and to most of the international community represented here.

8. On 4 November 1977, the Council adopted resolution 418 (1977), in which, acting under Chapter VII of the Charter of the United Nations, it unanimously imposed a mandatory arms embargo against South Africa, to be applied universally. On 9 December 1977, it decided to establish a Committee of the Security Council to study ways and means by which the embargo could be made more effective [*resolution 421 (1977)*].

9. The carrying out of that task, however, has been hampered for many reasons, and the hoped-for cooperation and understanding on the part of certain States has not been forthcoming. For that reason, resolution 418 (1977) has not been implemented, and our Committee was brought to a virtual standstill.

10. The adoption of the embargo was the culmination of a long process of growing awareness of the threat created by the policy of the Pretoria régime to the enforcement of the principles of the Charter and to international peace and security.

11. The embargo was then regarded as the first step in a new strategy designed to establish a different political balance in the region, that would favour the full liberation of the peoples of southern Africa and the independence of Namibia.

12. The interest the international community had in reversing a process of injustice and opprobrium in southern Africa led to the Council's recourse to Chapter VII of the Charter. The need to make sanctions effective led it to establish this Committee, to which it entrusted the task of studying ways and means by which the mandatory arms embargo could be made more effective against South Africa and which was authorized to seek from all States further information regarding the action taken by them in this regard and requested to report back to the Council with its relevant recommendations.

13. The Committee adopted working procedures that included a compilation of data with regard to embargo violations, the holding of hearings with experts and witnesses and the establishment of contacts with non-governmental organizations. The Committee sent questionnaires to Governments whose nationals or whose territories were involved in complaints of embargo violations, and it requested the Secretariat to provide all members with available information, including information gleaned from the media.

14. Despite this, the inadequacy of the investigatory resources available to the Committee and the lack of genuine co-operation on the part of some States frequently limited the Committee's possibilities for action.

15. In June 1980, the Council, concerned at the worsening situation in South Africa, adopted resolution 473 (1980), in which it reiterated its call to all States strictly and scrupulously to implement resolution 418 (1977). It further asked the Committee to redouble its efforts to secure full implementation of the arms embargo.

16. The Committee met on numerous occasions to assess the compliance with the various resolutions and to discern the reasons for violations. As a result of the work concluded in September 1980 the Committee issued a report, contained in document S/14179, which my predecessor as Chairman, Mr. Mohammed Kaiser of Bangladesh, submitted to the Council at its final meeting of 1980, on 19 December [226<sup>th</sup> meeting].

17. I wish to recall that, because of the lack of time, it was agreed to submit only the report and to post-

pone the debate on it and the decisions that would have to be taken until the beginning of the following year. None the less, until now the Council has not formally come back to this matter. Several considerations of a tactical or political nature have time and again deferred consideration of this item that is finally being dealt with today.

18. The Committee's report is comprehensive and its conclusions are clear. It states that:

"illicit transfers of arms and related *matériel* of all types' to South Africa continue to take place. Clandestine operations are carried out from an undetermined number of countries, in circumvention of the arms embargo. Devious routes are used, on which the Committee has scant information." [S/14179, para. 75.]

19. The Committee similarly determines the existence of loopholes that encourage violation of the embargo and points out with concern that various interpretations exist of given provisions of resolution 418 (1977). Finally it makes a number of recommendations on which the Council should take a decision, in my opinion, if it still has the will to have its decisions respected.

20. The recommendations contained in the report should serve as a basis for further action by the Council and the Committee. All States should be urged, as is stated in the report, to undertake concrete steps to close the loopholes, and to ensure that arms-export agreements include guarantees which would prevent embargoed items from reaching South African organizations through third countries.

21. The Committee also recommends that States should prohibit the export of spare parts for embargoed aircraft and other military equipment subject to the embargo, revoke or terminate all industrial licences previously concluded with South Africa to manufacture such equipment and prohibit government agencies and corporations under their jurisdiction from transferring technology or using technology subject to their control in the manufacture of arms and related *matériel* in South Africa and from making investments to that end. It also recommends that the export to South Africa of "dual-purpose" items should be prohibited, that is, items provided for civilian use but with the potential for diversion or conversion to military use.

22. The Committee recommends that the term "arms and related *matériel* of all types" should be clearly defined to include all equipment intended for the military and police forces, and that all forms of nuclear collaboration should cease. States should ensure that their national legislation or comparable policy directives guarantee that specific provisions to implement resolution 418 (1977) include stiff penalties for violations, and they should adopt provisions to pro-

hibit within their national jurisdiction the enlistment or the recruitment of mercenaries or any other military personnel for service with South Africa's forces.

23. The Committee recommends that States should put an end to exchanges of military attachés, as well as exchanges of visits by government personnel, experts in weapons technology and employees of arms factories, when such visits and exchanges increase South Africa's war capabilities, and recommends that the embargo should include imports of arms and related *matériel* from South Africa.

24. The Committee considers—and this is of prime importance—that the machinery to this effect should be strengthened, so that the implementation of the embargo will be effective, and that a sanctions branch should be created within the Secretariat to assist the Committee in carrying out its functions.

25. The motives and reasons which led the Security Council to impose an arms embargo on South Africa and subsequently to renew it remain valid and have become even more so. The *apartheid* régime continues to deny fundamental rights to the majority of the population and cruelly to persecute its opponents. Abroad, acts of aggression are repeatedly carried out against neighbouring States and, at the same time as the independence of Namibia is being held up, additional conditions are being imposed on its people, which, if accepted, may result in the withholding of its independence.

26. On the other hand, the effectiveness of the measures adopted by the Council has been limited, which

hampers the possibility of making the provisions of Chapter VII of the Charter effective and calls into question the very respectability of the Council. Chapter VII, as the Secretary-General has reminded the Assembly in his report on the work of the Organization, is a key element in the collective security system and hence in the preservation of world peace.

27. My delegation has made every effort to carry out the responsibility conferred upon it by the Council. It did so with a deep sense of service to the international community and with the great respect for the principles of the Charter that my country has.

28. As soon as our task was over, I informed members of the Council that we were willing to put into effect a change in the Bureau of the Committee. We regret that for various reasons the mandate has not been renewed, but we consider it right to carry through the conclusions and recommendations of the Committee's report. When it resumes its work, there should be a reaffirmation of the political will of States concerning the aim pursued, since otherwise the efforts of the Committee will be thwarted.

29. In closing, I wish to express my gratitude to the members of the Council, past and present, who have faithfully worked to see that the provisions of this body are carried out, despite the pressures and lack of understanding brought to bear against them. My most fervent hope is that in the future difficulties will be fewer and the results more sure.

*The meeting rose at 12.20 p.m.*

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