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SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 421 (1977)
CONCERNING THE QUESTION OF SOUTH AFRICA

PROVISIONAL SUMMARY RECORD OF THE 108th MEETING (CLOSED)

Held at Headquarters, New York,
on Tuesday, 29 December 1992, at 11 a.m.

Chairman: Mr. SREENIVASAN (India)

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The meeting was called to order at 11.15 a.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

CASES UNDER CONSIDERATION

Case No. 28 - Ferranti International (S/AC.20/1992/NOTE/1)

The CHAIRMAN suggested that the Committee should thank the delegation of the United States, take note of the documents which that delegation had submitted on the case, and consider the matter closed.

It was so decided.

Case No. 30 - Reported plans by South Africa to acquire military training aircraft from Switzerland (S/AC.20/1992/COMM.5; S/AC.20/1992/NGO.11 and 12)

The CHAIRMAN recalled that, at its previous meeting, the Committee had taken note of the explanations provided by Switzerland concerning the purchase of the Pilatus aircraft (S/AC.20/1992/COMM.5). The Committee had since received two additional letters, one from Mr. Minty, Director of the World Campaign against Military and Nuclear Collaboration with South Africa (S/AC.20/1992/NGO.11), and one from the Reverend Frank Chikane, Secretary-General of the South African Council of Churches (S/AC.20/1992/NGO.12). The Committee should therefore review the matter in the light of the additional information provided and decide whether the purchase, if it went through, would be in contravention of the mandatory arms embargo against South Africa.

Mr. SHACKLETON (United Kingdom) said that, in the opinion of his Government, such a purchase would indeed constitute a violation of the embargo. He requested the Chairman to communicate the Committee's position on the matter to the press.

Mr. DZVAIRO (Zimbabwe) agreed that the explanations given by Switzerland were not convincing and that the proposed transaction would constitute a flagrant violation of paragraph 3 of Security Council resolution 591 (1986). The Committee should make its position known to the Swiss Government and to the press.

Mrs. SHESTACK (United States of America) supported the proposal that a press release to that effect should be issued. The transaction proposed by Switzerland was contrary to the spirit of resolutions 418 (1977) and 591 (1986),

/...

(Mrs. Shestack, United States)

since the trainer aircraft were to be sold directly to the armed forces. While resolution 591 (1986) was not binding, it none the less reflected the spirit of the international community with respect to the arms embargo. It might be useful, moreover, to inquire specifically of the Swiss Government whether the configuration of the aircraft had been modified for military training purposes. If that was the case, there would be no further doubt as to whether the transaction was in contravention of the aforementioned resolutions.

Mr. DZVAIRO (Zimbabwe) said that there was no need to make such an inquiry of the Swiss Government since, whatever the reply, the proposed transaction would in any event constitute a violation of the embargo. The provisions of the resolution left no room for ambiguity on the matter. Having said that, he would not object to the proposal of the United States.

The CHAIRMAN suggested that the meeting should be suspended to permit the Secretariat to draft a text to be transmitted to the Swiss Government and the press.

It was so decided.

The meeting was suspended at 11.35 a.m. and resumed at 12.10 p.m.

The CHAIRMAN read out the text of the following draft communiqué:

"At its 108th meeting today, the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa continued its consideration of the case of the reported plans by a Swiss company to sell some 60 trainer aircraft of the Pilatus class to the South African air force. Having considered the letters of 27 May and 2 September 1992 from the Permanent Observer of Switzerland to the United Nations, in which he described his Government's position that the Pilatus PC-7 does not fall within the purview of the Swiss Federal Law of 30 June 1972, the Committee took the view that the proposed sale of the aircraft in question would be contrary to the spirit and intent of Security Council resolution 418 (1977), establishing a mandatory arms embargo against South Africa, as well as Security Council resolution 591 (1986), by which the Security Council urged 'all States to prohibit the export to South Africa of items which they have reason to believe are destined for the military and/or police forces in South Africa, have a military capacity and are intended for military purposes ...' and called upon 'all States to refrain from participating in any activities in South Africa which they had reason to believe might contribute to its military capability'.

/...

(The Chairman)

"The Committee decided to request the Swiss authorities to take the necessary measures to prevent the export of the Pilatus PC-7 aircraft to South Africa."

Mr. LACROIX (France) said that it was not advisable to refer specifically to resolution 591 (1986), which did not have binding force, in the same way as the other resolutions with whose implementation the Committee was charged.

Following a discussion in which Mr. LACROIX (France), Mrs. SHESTACK (United States of America), Mr. GOEL (India) and the CHAIRMAN took part, the Committee decided to revise the reference to the relevant resolutions in the first paragraph of the communiqué to read:

"... to the spirit of Security Council resolution 418 (1977) establishing a mandatory arms embargo against South Africa. Furthermore, in resolution 591 (1986), the Security Council urged 'all States to prohibit ...'." The text of the communiqué, as revised, was adopted.

The CHAIRMAN said that the text would be released to the press at the conclusion of the meeting.

Case No. 36 - Alleged export of South African weapons to the Middle East (S/AC.20/1992/COMM.6)

The CHAIRMAN said that, following the letter which he had sent on 25 July 1992, the Saudi authorities had sent a reply (S/AC.20/1992/COMM.6) emphatically denying the violations of the arms embargo which they were alleged to have committed. He suggested that the Committee should take note of that reply and await the response of the Egyptian Government to the reminder which had been sent to it on 25 November 1992.

It was so decided.

OTHER MATTERS

Mr. LACROIX (France), referring to a letter from Mr. Abdul Minty in which he alleged that the South African air force planned to purchase French Omega aircraft, said that he wished to assure the Committee that France had not engaged in any such transaction and would not do so as long as the arms embargo remained in force.

The meeting rose at 12.25 p.m.