

# UNITED NATIONS

## SECURITY COUNCIL



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REPORT BY THE SECRETARY-GENERAL IN PURSUANCE OF  
THE RESOLUTION ADOPTED BY THE SECURITY COUNCIL  
AT ITS 1056TH MEETING ON 7 AUGUST 1963 (S/5386)

### I

On 7 August 1963 the Security Council adopted a resolution concerning the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa (S/5386).

In operative paragraph 2 of the resolution, the Security Council called upon the Government of South Africa "to abandon the policies of apartheid and discrimination as called for in the previous Security Council resolution of 1 April 1960, and to liberate all persons imprisoned, interned, or subject to other restrictions for having opposed the policy of apartheid", while in operative paragraph 3 of that resolution, the Security Council solemnly called upon "all States to cease forthwith the sale and shipment of arms, ammunition and all types of military vehicles to South Africa". In operative paragraph 4 of the resolution, the Council requested the Secretary-General "to keep the situation in South Africa under observation and to report to the Security Council by 30 October 1963".

### II

In carrying out the mandate given to him in the resolution, the Secretary-General, by a letter dated 19 August 1963 to the Minister of Foreign Affairs of South Africa, requested to be informed by the Government of South Africa regarding the steps taken for carrying out the provisions contained in the resolution and, in particular, the specific measures enumerated in operative paragraph 2 thereof, as this information would be essential to him in view of the provisions of operative paragraph 4 of the resolution.

In a letter transmitted on 19 September 1963, the Minister of Foreign Affairs of South Africa informed the Secretary-General that "at this stage the South African

Government does not wish to comment on this matter except to say that its attitude has often been stated in the past and is well known".

A further reply by the Minister of Foreign Affairs of South Africa was received on 11 October 1963 in which, after referring to the interim reply, he informed the Secretary-General as follows:

"The South African Government's attitude has often been stated and is well known. In this connexion it must be emphasized that the South African Government has never recognized the right of the United Nations to discuss or consider a matter which falls solely within the jurisdiction of a Member State. This aspect was also dealt with in the communication of the Minister of Foreign Affairs addressed to the President of the Security Council in reply to his telegram of 23 July 1963.

"While the South African Government entered into consultations with the then Secretary-General in 1960 this was on the basis of the authority of the Secretary-General under the Charter and on prior agreement that the consent of the South African Government to discuss the Security Council's resolution of 1 April 1960, would not require prior recognition from the South African Government of the United Nations authority.

"The present request from the Secretary-General is, however, based on a Security Council resolution which violates the provisions of Article 2 (7) of the Charter. It would be appreciated that in the circumstances it is impossible for the South African Government to comment on the matters raised by the Secretary-General since by doing so it would by implication recognize the right of the United Nations to intervene in South Africa's domestic affairs.

"Furthermore, the relative resolution contravenes the Charter also in other respects. In the communication from the Minister of Foreign Affairs addressed to the President of the Security Council on 31 July 1963, attention was drawn to the threats of the use of force by certain African States against the Republic of South Africa. On the other hand not one tittle of evidence was produced during the recent Council debate that South Africa had designs or plans to interfere in the affairs of any other African State. On the contrary the argument of the African States was in essence that because they did not approve of the manner in which South Africa conducts her internal affairs, they themselves have the right to intervene, if the United Nations did not succeed in forcing South Africa to change her policy in order to meet their views. If, therefore, there is any threat to international peace and security it is very clear that the threat comes from the African States.

"Yet in spite of this, the Security Council adopted a resolution calling, inter alia, for a complete arms embargo on South Africa. In essence this is a denial of the spirit of Article 51 of the Charter referring to the inherent right of individual or collective self-defence.

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"In the course of the Security Council debate reference was also made to the alleged arms build-up in South Africa. The steps that the South African Government is taking in strengthening its defences should be seen not only in the context of the threats to South Africa by certain African States, and in the Addis Ababa resolutions, which are a direct incitement to aggression, but also in the perspective of comparative expenditure on armed forces by other countries of a similar degree of economic and industrial development. South Africa's 1962 defence costs represented 3.77 per cent of the total national output and that represents less than the expenditure of several West European countries of similar economic and industrial development. Moreover, these countries, unlike South Africa, enjoy the advantage of membership of a major military alliance.

"Likewise the size of South Africa's permanent defence force is very much smaller than those of such countries in Western Europe, not to speak of a number of other countries that habitually attack South Africa and where the size of the military establishments is considerably greater.

"A comparison of the relevant figures would illustrate, therefore, that the alleged South African arms build-up represents no more than a reasonable outlay in defence expenditure in line with the amounts spent by countries of similar economic and industrial development.

"Since nothing done by the South African Government in its own territory or elsewhere is a threat to the peace, it is impossible to see how the resolution adopted by the Security Council on 7 August 1963, can be reconciled with the provisions of the Charter. Member States can be asked to respect and carry out the resolutions of the Security Council only in so far as they are in accordance with the provisions of the Charter. The Council clearly does not have the judicial power in the present circumstances to take the action envisaged by the resolution now under consideration and it cannot, therefore, have any binding effect on the Republic of South Africa or any other Member State."

### III

Furthermore, in pursuance of the mandate given to him in the resolution, the Secretary-General addressed himself to all other Member States drawing their particular attention to paragraphs 3 and 4 of the resolution and requesting them to communicate to him before 25 September 1963 any relevant information on the action already taken and proposed to be taken by their Governments in the context of the resolution.

The Secretary-General has the honour to report to the Security Council that up to 11 October 1963, forty-four Members had replied to his letter. The substantive parts of these replies are reproduced below.

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IV

ALGERIA

/Original: French/

2 September 1963

The Algerian Government has decided to apply forthwith the provisions of paragraph 3 of the resolution adopted by the Security Council on 7 August 1963, at its 1056th meeting.

This decision merely supplements the previous steps taken in pursuance of resolution 1761 (XVII) adopted by the United Nations General Assembly at its 1165th plenary meeting, on 6 November 1962, which are enumerated in the "Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the policies of apartheid of the Government of the Republic of South Africa", the text of which was transmitted to you on 29 April 1963 by our Permanent Representative to the United Nations.

This declaration makes it clear that the Algerian Government has decided to apply the provisions of paragraph 4 of resolution 1761 in their entirety and without delay.

As regards paragraph 6, Algeria, being one of the Member States appointed to serve on the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and having accepted that responsibility, will certainly do all in its power to carry out its task in accordance with the provisions of the resolution.

AUSTRIA

/Original: English/

28 September 1963

Austria exports neither weapons nor ammunition nor vehicles for military purposes to South Africa.

BELGIUM

[Original: French]

27 September 1963

The Belgian Government and Belgian public opinion alike condemn the policy of apartheid pursued by the Government of South Africa, and favour all possible action to improve relations between the various racial communities.

Thus the Belgian Government appreciates the motives which inspired the sponsors of the resolution adopted by the Security Council on 7 August. Those are its reasons for deciding to give effect to paragraph 3 of the resolution and to suspend the issue of export permits for new contracts for sale of the arms referred to in the resolution.

BRAZIL

[Original: English]

25 September 1963

The Brazilian Government neither sells arms nor transports ammunition or military vehicles to the Republic of South Africa.

BULGARIA

[Original: French]

6 September 1963

The Government of the People's Republic of Bulgaria and Bulgarian public opinion condemn the inhuman policy of racial discrimination and segregation practised by the Government of the Republic of South Africa with regard to the African and other inhabitants of the Republic. The initiative taken by the African countries in bringing this question before the Security Council was therefore welcomed in Bulgaria, where it met with complete support and approval.

Although the Security Council's resolution of 7 August 1963 confines itself to the minimum measures which the situation in the Republic of South Africa demands, it nevertheless constitutes an important step forward in the United Nations efforts to bring about the elimination of the shameful system of apartheid established by the South African racists.

In the opinion of the Bulgarian Government, operative paragraph 3 of the resolution, in which the Security Council "Solemnly calls upon all states to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa", is very important. There can be no doubt that the arms supplied by certain Western countries to the Republic of South Africa are helping to strengthen the position of the South African racists and are enabling the Verwoerd Government to continue to inflict its inhuman policy of terror and repression on the African and other inhabitants of that country.

Operative paragraph 3 of the Security Council resolution does not apply to the People's Republic of Bulgaria, one of the fundamental principles of whose foreign policy is to support the peoples' struggle for liberation from the colonialist yoke. As the paragraph in question is addressed to all States, however, and as the Secretary-General wishes to be informed of the steps which the People's Republic of Bulgaria has already taken or is considering taking within the framework of the Security Council resolution, the Bulgarian Government considers it necessary to declare that the People's Republic of Bulgaria has not sold or supplied any arms, ammunition or military vehicles to South Africa up to the present and has no intention of doing so in the future.

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BURMA

/Original: English/

20 September 1963

In November 1962 the Government of the Union of Burma prohibited by executive order all commercial transactions between the Union of Burma and the Republic of South Africa, and since then there have been no relations whatsoever between the two countries.

CEYLON

/Original: English/

27 September 1963

Ceylon has not effected any sale or shipment of arms, amunition and military vehicles to South Africa.

CHINA

/Original: English/

27 September 1963

The Chinese Government wishes to refer to its reply dated 30 August 1963 addressed to the Chairman of the Special Committee on the Policies of Apartheid, in which the position of the Chinese Government toward the question in general and its support of the Security Council resolution (S/5386) in particular have been reiterated. It may be added, in reference to the Security Council resolution, that the Chinese Government has not sold or shipped arms, ammunition of any type or military vehicles to South Africa nor is such sale contemplated.

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CYPRUS

/Original: English/

10 September 1963

As regards operative paragraph 3 of the resolution (S/5386), the Government of the Republic of Cyprus wishes to inform the Secretary-General that it does not embark on any transaction with any Government, concerning the sale and shipment of arms, ammunition of any type and military vehicles.



DAHOMÉY

[Original: French]

4 September 1963

The Republic of Dahomey has never been able to tolerate the application of racist policies against anyone in the world and has always opposed the suppression of fundamental human rights of which the racist Government of South Africa is guilty. It finds this inhuman situation all the more intolerable because its brothers on the African continent are the victims of it.

Long before the adoption of the Security Council's most recent resolution, the Republic of Dahomey had taken steps to combat the racist police regime of the Republic of South Africa.

The Minister for Foreign Affairs begs the Secretary-General to find herewith a copy of the Presidential Decree on this subject.

The Government and people of Dahomey will not be satisfied until the arbitrary racist police regime of the Republic of South Africa has been eliminated for ever from the continent of Africa.

It is in this spirit that the Republic of Dahomey fully supports the provisions of the Security Council resolution and will see that it is put into effect in its entirety.

REPUBLIC OF DAHOMEY  
OFFICE OF THE PRESIDENT  
OF THE REPUBLIC

PORTO-NOVO, 30 April 1963

DECREE OF THE PRESIDENT  
OF THE REPUBLIC

DECREE NO. 63-205/PR/MAE

THE PRESIDENT OF THE REPUBLIC,

HAVING REGARD TO Act No. 60-36 of 26 November 1960 establishing the Constitution of the Republic of Dahomey;

HAVING REGARD TO Decree No. 111/PR/CAB of 15 April 1961 defining the duties of Members of the Government, as amended by Decree No. 143/PR of 20 March 1962;

HAVING REGARD TO Resolution 1761 (XVII) adopted by the General Assembly of the United Nations on 6 November 1962, defining the steps to be taken against South Africa;

ON THE PROPOSAL of the Minister for Foreign Affairs;

HAVING HEARD the Council of Ministers;

DECREES:

ARTICLE 1. All trade with the Republic of South Africa, whether direct or through an intermediary, shall be forbidden throughout the territory of the Republic of Dahomey.

ARTICLE 2. Ships and aircraft flying the South African flag or registered in South Africa shall be prohibited from calling at any ports or airports in Dahomey.

ARTICLE 3. No transit or entry visas for the territory of the Republic of Dahomey will be granted to nationals of the Republic of South Africa except in special circumstances, which shall be left to the Minister for Internal Affairs and Defence to determine.

ARTICLE 4. The Minister for Foreign Affairs, the Minister for Trade, Economic Affairs and Tourism, the Minister for Public Works, Transport, Posts and Telecommunications, and the Minister for Internal Affairs, Security and Defence shall be responsible, in their respective fields, for the execution of this Decree, which will be published in the Journal Officiel of the Republic of Dahomey.

DENMARK

/Original: English/

19 September 1963

Operative paragraph 3 of the resolution (S/5386) calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa. It is the intention of the Government of Denmark to see to it that the provisions of that paragraph are observed in Denmark. It should be noted that Denmark has already for some years refused to grant licences for export of arms or other kinds of military equipment to the Republic of South Africa.

DOMINICAN REPUBLIC

/Original: Spanish/

5 September 1963

The Government of the Dominican Republic, in compliance with the resolution adopted by the Security Council at its 1056th meeting on 7 August 1963 (S/5386), has not sold and will not sell or ship arms, munitions or military vehicles to South Africa.

FINLAND

/Original: English/

18 September 1963

The Government of Finland, as stated in the joint communique issued at the meeting of the Foreign Ministers of the Scandinavian countries in Stockholm on 6 September take note with approval of the resolution of the Security Council.

Accordingly, the Government of Finland, which have not permitted exports of arms and military equipment to South Africa, have no intention to allow such exports hereafter.

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GHANA

/Original: English/

23 September 1963

The Ghana Government wishes to inform the Secretary-General that she will adhere to operative paragraph 3 of the resolution adopted by the Security Council at its 1056th meeting on 7 August 1963 as contained in document S/5386.

GUINEA

/Original: French/

4 October 1963

The position of the Republic of Guinea on the apartheid question has already been set forth in the letter from the Guinean Minister for Foreign Affairs which was circulated as an official United Nations document on 7 August 1963 under the symbol S/5472.

In this letter the Minister for Foreign Affairs stated that one of the first measures for dealing with the situation in South Africa is the immediate halting of all shipments of arms on any footing whatever, and of any other type of assistance which could be employed by the South African Government against the peoples whom it is oppressing.

The Government of the Republic of Guinea unreservedly supports the Security Council resolution of 7 August 1963 and urges its full execution. The Government of the Republic of Guinea had in fact decided long before the adoption of this resolution to apply political, economic and diplomatic sanctions against the Government of the Republic of South Africa.

HUNGARY

/Original: English/

8 October 1963

The Permanent Representative of Hungary affirms the Hungarian Government's unconditional support for the provisions of resolution adopted by the Security Council (document S/5386) at its 1056th meeting on 7 August 1963 in connexion with the situation in South Africa arising from the policies of apartheid of the Government of the Republic of South Africa.

With regard to the recommendations in paragraph 4 of the operative part of the resolution the Permanent Representative of Hungary states that Hungary has not supplied with arms, ammunition of any types, or military vehicles to South Africa.

The Permanent Representative of Hungary takes this opportunity to state that the Hungarian authorities will strictly adhere to the letter and spirit of the Security Council resolution S/5386 and of the General Assembly resolution 1761 (XVII);

INDIA

/Original: English/

18 September 1963

The Permanent Representative of India has the honour to draw the attention of the Secretary-General to communication No. F.1(12)-Res/63, dated 18 July 1963, of the Charge d'Affaires of India (United Nations document No. A/5452 dated 19 July 1963, refers).

The Permanent Representative of India wishes to reiterate that the Government of India has, for a long time, carried out the measures mentioned in operative paragraph 3 of the resolution adopted by the Security Council at its 1056th meeting held on 7 August 1963.

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IRAQ

[Original: English]

12 September 1963

The Government of the Republic of Iraq has not sold, in the past, and does not contemplate, in the present or future, the sale and shipment of arms, ammunition and military vehicles to South Africa. This attitude of the Government of Iraq stems from its unalterable opposition to the policies of apartheid pursued by the Government of the Republic of South Africa in violation of the principles and purposes of the United Nations Charter.

IRELAND

[Original: English]

25 September 1963

The Government of Ireland has not permitted and does not intend to permit the sale or shipment of arms, ammunition or military vehicles to South Africa.

ISRAEL

[Original: English]

13 September 1963

The Permanent Representative of Israel has been instructed to reaffirm in this connexion the following statement made in the letter dated 20 August 1963, from the Acting Permanent Representative of Israel to the Chairman of the Special Committee on the Policies of Apartheid (contained in document A/AC.115/L.9/Add.7).

"My Government has taken all necessary steps to ensure that no arms, ammunition or strategic materials may be exported from Israel to South Africa in any form, directly or indirectly. In addition, steps have been taken to ensure that no material of such nature exported to other countries can reach South Africa.

/...

ITALY

/Original: English/

10 October 1963

Italy's condemnation of any form of racial discrimination has been made abundantly clear in previous sessions of the General Assembly during the recurrent debates on apartheid as well as in all other international meetings and is too well known to require any further comment.

In accordance with these views the Italian Government - prior to the adoption of Security Council resolution S/5386 and in keeping with the aims of General Assembly resolution 1761 (XVII) - have repeatedly expressed to the South African Government their deep concern for the consequences of the policy of apartheid.

In the same spirit - and always prior to the adoption of the above-mentioned Security Council resolution - the Italian Authorities have followed the practice of withholding licences for the sale to South Africa of arms that might be used to enforce the policy of apartheid.

The sincere desire to contribute to a lessening of tension, and to promote an equitable and peaceful solution of this grave problem has furthermore led the Italian Government to suspend under present circumstances, the issuance of licences for the sale to South Africa of all military equipment.

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JAMAICA

[Original: English]

21 September 1963

The Government of Jamaica does not, has never, and has no intention of supplying arms, ammunition, or military vehicles to the Republic of South Africa.

JAPAN

[Original: English]

23 September 1963

Under export trade control order of Japan (cabinet order No. 378) promulgated on 1 December 1949, arms, ammunition and military vehicles are subject to export licence.

The Japanese Government has been consistently following an established policy of not granting licence for the export to South Africa of arms, ammunition and military vehicles in order to prevent the sale and shipment of these items to that country.

LAOS

[Original: French]

2 September 1963

The Royal Government of Laos wishes to make it clear that it wholeheartedly endorses the vigorous action taken by the United Nations with regard to the policies of apartheid of the Government of the Republic of South Africa.

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MEXICO

/Original: Spanish/

25 September 1963

The Mexican Government has not sold or shipped any arms or ammunition of any type, or military vehicles, to the Republic of South Africa, and does not propose to do so in the future, so long as the circumstances to which this resolution refers continue.

NEW ZEALAND

/Original: English/

13 September 1963

The Government of New Zealand has not in the past engaged in the sale and shipment of arms, ammunition or military vehicles to the Government of the Republic of South Africa nor does it intend to do so in the future.

NICARAGUA

/Original: Spanish/

10 September 1963

The Minister for Foreign Affairs wishes to state that he cannot provide any pertinent information concerning measures which the Government of Nicaragua has taken or intends to take in accordance with the resolution (S/5386), inasmuch as the Government of Nicaragua has not sold and is not selling any type of arms to the Government of South Africa.

NORWAY

/Original: English/

23 September 1963

In pursuance of a long-standing policy of contributing towards a peaceful settlement of the racial conflict in South Africa in accordance with the United Nations Charter, and on the basis of Norwegian legislation, the Government of Norway does not permit export of arms, ammunition or any other military equipment from Norway to South Africa. Norway is thus implementing the recommendation made to all States in operative paragraph 3 of the resolution of the Security Council.

PHILIPPINES

/Original: English/

24 September 1963

The governmental agencies concerned in the Philippines have adopted the following measures to implement General Assembly resolution 1761 (XVII):

1. Closing of all ports in the Philippines to all vessels flying the flag of the Republic of South Africa;
2. Boycotting all South African goods and refraining from exporting to South Africa strategic goods of direct military value, such as arms, ammunition, and mineral oil;
3. Denial of landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of the Republic of South Africa;
4. Refusal of registration or licensing for the purpose of transacting business in the Philippines of any corporation or partnership organized under the laws of the Republic of South Africa;
5. Denial of the issuance of any permit or licence for the sale in the Philippines of securities of corporations organized under the laws of the Republic of South Africa; and

6. Disapproval of any application for licence to act as broker, dealer or salesman of securities that may be filed by persons who are citizens of the Republic of South Africa.

POLAND

/Original: English/

25 September 1963

The position of the Polish Government with regard to the untiring efforts of the United Nations to bring to an end the policies of racial discrimination so obviously incompatible with the Charter and contemporary international law has been made known on various occasions and most recently in its notes of 11 July 1963 addressed to the Secretary-General and the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa respectively.

Consistent with its firm stand on the matter, Poland is in full agreement with the aims and purposes of Security Council resolution of 7 August 1963.

Furthermore, in connexion with the operative paragraph 3 of the said resolution, I am instructed to inform you, Sir, that Poland does not permit and will not permit in the future any sale nor shipping of any arms, ammunition and military vehicles to South Africa.

ROMANIA

/Original: French/

4 October 1963

The Government of the Romanian People's Republic, in keeping with its policy of forthright opposition to the policy of racial discrimination pursued by the Government of South Africa, supports the objectives of Security Council resolution S/5386 of 7 August 1963.

The Government of the Romanian People's Republic is of the opinion that strict application of the measures called for in operative paragraph 3 of this resolution would deprive the South African Government of all support and deter it from continuing its policy of apartheid.

The effectiveness of these measures depends, first and foremost, on the position taken by those States which maintain close political, economic and military relations with the South African Government.

The Romanian Government, for its part, will carry out the international measures called for by resolution S/5386.

RWANDA

/Original: French/

6 September 1963

Rwanda has no relations with the Republic of South Africa. The Rwandese Republic, as a sovereign Member of the United Nations, has accepted the United Nations Charter and endorses the principles contained in the Universal Declaration of Human Rights.

Since the Rwandese people carried out a revolution to overthrow the feudal rule of the Bami sultans, and since my Government is now pursuing a policy entirely devoted to democratic methods of raising the level of living of all the Rwandese people, you will understand how profound and justified is the indignation of the Rwandese Government and the whole Rwandese people in face of the stubborn attitude of the Government of South Africa in the problem of decolonization and social emancipation.

Rwanda solemnly condemns the policy of racial discrimination and apartheid practised by the Government of South Africa against the black population. We deplore such behaviour all the more deeply since South Africa, in stubbornly pursuing its backward policy, has every intention and determination not to collaborate with any African Government in the struggle against the under-development that is at present the monopoly of our continent. In this way South Africa tramples the Charter under foot and flouts the United Nations.

Rwanda wants peace in the world, equality for all classes and citizens of every State, and the right of peoples to self-determination. Thus, faithful to the United Nations Charter and desirous of co-operating in the building of a better world, the Rwandese Republic recommends to all States Members of the United Nations the very terms of resolution 1761 (XVII) by which the General Assembly solemnly condemned the policy of South Africa.

In the hope that the South African Government will abandon its policy in the near future and will be willing to assume its responsibilities as a State Member of the United Nations, I beg you, Sir, to accept the assurances of my highest consideration.

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SENEGAL

/Original: French/

4 September 1963

The Government of Senegal has decided:

(1) To break off all diplomatic and consular relations with South Africa,  
To boycott South African goods by:

- (a) A ban on imports from South Africa and exports to South Africa,
- (b) A ban on the use of Senegalese ports and airports by South African ships and aircraft,
- (c) A ban on all flights over Senegalese territory by South African aircraft.

As regards the sale and shipment of arms, ammunition of all types and military vehicles, Senegal has never carried on such trade with South Africa.

The Ministry takes this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

SIERRA LEONE

/Original: English/

29 August 1963

The Government of Sierra Leone has never sold or shipped arms, ammunition of any type and military vehicles to South Africa and it has no intention of doing so in future.

SOMALIA

/Original: English/

7 September 1963

I have the honour to state that the Somali Government has neither sold or shipped, nor intends to sell or ship, any arms, ammunition or military vehicles to South Africa.

SUDAN

/Original: English/

9 September 1963

In response to the request of the Secretary-General regarding implementation of Security Council resolutions S/5386 and S/5380, the Sudan Government has submitted the enclosed documents, containing the texts of:

1. The South Africa Boycott Act, 1963;
2. The Portugal Boycott Act, 1963;\*
3. Copy of Notice to Authorized Dealers, under the Finance (Exchange Control) Regulations, 1957.

THE SOUTH AFRICA BOYCOTT ACT, 1963

(1963 Act No. 30)

AN ACT to provide for the boycott and the prohibition of trade and other international intercourse with the Republic of South Africa.

In exercise of the powers conferred on him by Constitutional Order No. 1, the President of the Supreme Council for the Armed Forces hereby makes the following Act:

1. This Act may be cited as The South Africa Boycott Act, 1963. Title.
2. The provisions of this Act shall be interpreted in the sense and spirit of the Charter of the Organization of African Unity; and notwithstanding anything hereinafter contained the prohibitions shall not include African nationals of African origin and their interests whether resident in our outside South Africa. Interpretation.
3. No person shall enter into any contract directly or indirectly with any person or body of persons resident in Prohibition on Contracts.

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\* Not included in this report.

South Africa or whom he knows to be a South African subject or works for South Africa interests.

4. (1) No person shall import into the Sudan or trade therein in any South African goods, articles or products of any kind or of liquid assets originating directly or indirectly from South Africa.

Prohibition  
on Import.

(2) South African goods shall include all goods and articles manufactured or prepared in South Africa or all goods in the manufacture and preparation of which South African products have been used.

5. No person shall export from the Sudan any goods, articles or products to South Africa, or to any other country knowing that such goods, articles or products shall be re exported to South Africa.

Prohibition  
on Export.

6. No person shall cause any goods, articles or products to enter the Sudan, or pass in transit through its territory which he knows to be destined to South Africa.

Goods in  
Transit.

7. No person shall cause to be carried or agree to be carried any goods, articles or products to be loaded or unloaded in any Sudan harbour on any ship registered in South Africa, or which he knows to be owned by a person or body of persons resident in South Africa. And no such ship shall be permitted to enter any Sudan Harbour or the Sudan territorial waters.

Prohibition  
of Carriage  
of Goods  
on Ship.

8. No person shall use or agree to use by being a passenger or by carriage of cargo of any description from or to any airport in the Sudan in any aircraft registered in South Africa or which he knows to be owned by a person or body of persons resident in South Africa. And no such aircraft shall be permitted to land in or fly over Sudan territory.

Prohibition  
on Using  
Aircrafts.

9. Any contract, dealing or transaction of import or export or of carriage by sea or air, made or entered into contrary to the provisions of this Act shall be null and void, except that such contract, dealing or transaction made or entered into before the coming into force of this Act shall if

Effect on  
Contracts,  
Dealings or  
Transactions.



not before discharged, be and remain liable for discharge by performance or otherwise, if the consent of the Council of Ministers has been obtained thereto on the submission of the matter by the Minister of Commerce, Industry and Supply.

10. Any contravention of the provisions of this Act shall be an offence and any person committing such offence shall be punished with imprisonment which may extend to ten years and with fine. Any goods, articles or products and any means of conveyance being the subject matter of the offence and seized shall be forfeited. Penalties.

11. An offence under this Act shall be tried by a court of a magistrate of the first class or by any higher court. Court Trying Offences.

12. No magistrate shall take cognizance of an offence under this Act without the previous sanction of the Attorney General. Sanction of the Attorney General.

COPY

BS/X/103

N.S./E.C.324

THE FINANCE (EXCHANGE CONTROL) REGULATIONS, 1957

NOTICE TO AUTHORISED DEALERS

THE SOUTH AFRICA BOYCOTT ACT, 1963 AND THE PORTUGAL  
BOYCOTT ACT, 1963

1. In compliance with the South Africa Boycott Act, 1963 and the Portugal Boycott Act, 1963, the texts of which are appended to this notice, Authorized Dealers are hereby notified that with effect from 19th. August, 1963, they are not permitted to:

- (i) Approve "Ex" Forms in respect of exports from the Sudan to South Africa or Portugal; this includes goods to be shipped to other countries but in case of which the final destination is known to be South Africa or Portugal.

- (ii) Approve and effect any payments or open Letters of Credit in respect of goods of South African or Portuguese origin or goods in the manufacture of which South African or Portuguese goods are known to have been used.
- (iii) Approve and effect any payments to persons, companies and organisations resident in South Africa or Portugal or in favour of persons resident in other countries but known to be South African or Portuguese subjects.

2. Applications arising from transactions falling under prohibitions enumerated in the preceding paragraph and concluded before 19th. August, 1963, have to be submitted to the Exchange Control for approval. They should be accompanied by a certificate issued by the Ministry of Commerce, Industry and Supply confirming that the approval of the Council of Ministers for the execution of the contract was given in conformity with Article 9 of the respective Acts.

for BANK OF SUDAN  
(EXCHANGE CONTROL)

(sgd) MAHDI EL FAKI      (SGD) DIRDIRI IBRAHIM

BANK OF SUDAN,  
KHARTOUM, 31ST. AUGUST, 1963.

AYAD/

SWEDEN

/Original: English/

16 September 1963

The Swedish Government does not permit exports of arms, ammunition or military vehicles to South Africa and has no intention to permit such exports to South Africa.

SYRIA

/Original: English/

30 September 1963

The Syrian Government has decided to implement operative paragraph 3 of resolution S/5386 and is now taking all necessary measures that will prohibit the sale or shipment of arms, ammunition and all types of military vehicles to South Africa.

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THAILAND

/Original: English/

20 September 1963

His Majesty's Government have instructed the various Ministries concerned to take all necessary measures, within their authority, to comply strictly with the operative paragraph 3 of the said resolution.

USSR

[Original: Russian]

8 October 1963

The Soviet Government, which consistently upholds the Leninist principles of equality and self-determination of nations, firmly supports the decisions on this question adopted by the Addis Ababa Conference of Heads of African States. It considers it to be the duty of the United Nations to bring about the discontinuance of the inhuman policy of apartheid pursued by the South African racists - a monstrous evil which does not affect the peoples of Africa alone.

The Soviet Union has taken this position at all sessions of the United Nations General Assembly and at those meetings of the Security Council at which this urgent question has been discussed. As you are aware, the Soviet delegation actively supported the resolution adopted at the seventeenth session of the United Nations General Assembly, which severely condemned the policy of apartheid pursued in the Republic of South Africa and provided for the application of sanctions against that country. Furthermore, the Soviet representative joined in the proposal made by the Afro-Asian group in the Security Council, which in a special resolution of 7 August 1963, sharply condemning the policy of apartheid and discrimination, called upon all States to take appropriate measures to force the Government of the Republic of South Africa to abandon the shameful policy of apartheid.

The Soviet Union does not maintain diplomatic, consular or trade relations with the Republic of South Africa. Needless to say, the Soviet Union has never supplied and is not now supplying any kind of arms or military equipment to the Government of the Republic of South Africa, and it has never provided and cannot provide any assistance to that country.

Basing its position on the Soviet socialist State's rejection, as a matter of principle, of colonialism and racial discrimination, and on the principles of humanism and the equality of all people, the Soviet Government declares that it is prepared to support any steps which the United Nations may find appropriate for the purpose of putting an end to the policy of racial discrimination and apartheid in the Republic of South Africa.

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UNITED KINGDOM

/Original: English/

25 September 1963

In response to the request from the Secretary-General the Permanent Representative of the United Kingdom has been instructed to make the following comments. In the first place Her Majesty's Government wish to make it clear that they remain strongly opposed to the policies of apartheid and are thus in agreement with the underlying purposes of the resolution in question. With regard to the particular terms of the resolution Her Majesty's Government wish to point out that they do not regard the resolution as being of a mandatory nature within the framework of Chapter VII of the Charter or, indeed, as falling within the terms of Chapter VII at all. Operative paragraph 3 can therefore amount to no more than a recommendation to Member States. In connexion with this operative paragraph 3 it has for some time been the policy of Her Majesty's Government to distinguish between arms likely to be used for internal repression and arms required by the Government of the Republic of South Africa for external defence and in particular in order to be able to play their part in the joint defence of the Cape routes. As was made clear in the debate in the Security Council the position of Her Majesty's Government now is that no arms should be exported to South Africa which would enable the policy of apartheid to be enforced.

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UNITED STATES OF AMERICA

/Original: English/

2 October 1963

The United States Government is pleased to invite the attention of the Secretary-General to the policy of the United States as it was announced in the Security Council on 2 August. In accordance with this policy the United States Government intends to bring to an end by 31 December of this year all sales of arms, ammunition and military vehicles to the Government of South Africa. In view of its responsibilities in many parts of the world, the United States Government has reserved the right to interpret this policy in the light of requirements for assuring the maintenance of international peace and security should the interests of the world community require the provision of equipment for use in the common defence effort. Delivery of certain strategic equipment on which contracts had been concluded prior to this announcement has not yet been completed. Those contracts will be honoured and deliveries will be completed as soon as possible.

URUGUAY

/Original: Spanish/

27 September 1963

The Government of Uruguay will not fail to take the necessary steps to ensure compliance in its territory with paragraph 3 of the resolution adopted by the Security Council on 7 August 1963, although such measures would not appear to be required as my country has never sold or shipped arms directly or indirectly to South Africa.

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YUGOSLAVIA

/Original: English/

23 September 1963

The Socialist Federal Republic of Yugoslavia in accordance with its consistent opposition to the policy of apartheid as contrary to the basic principles of the United Nations Charter, has not in the past nor will it in the future sell or ship to the Republic of South Africa arms, ammunition of any type, or military vehicles, completely adhering to resolution S/5386.

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