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INTEIGWERNMENTAL GROUP TO MONITOR THE  
SUPPLY AND SHIPPIM OF OIL AND PETROLEUM  
PRODUCTS TO SOUTH AFRICA

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## I. INTRODUCTION

1. At its forty-first session, the General Assembly established an Intergovernmental Group to Monitor the Supply and Shipping of oil and Petroleum Products to South Africa (resolution 41/35 F of 10 November 1986). The Assembly authorized its President in consultation with the chairmen of the regional groups and the Chairman of the Special Committee against Apartheid to appoint eleven Member States as members of the Intergovernmental Group on the basis of equitable geographical distribution and to ensure representation of oil-exporting States and shipping States. Following such consultations, the President of the Assembly announced the establishment of the Group consisting of the following Member States: Algeria, Cuba, German Democratic Republic, Indonesia, Kuwait, New Zealand, Nicaragua, Nigeria, Norway, Ukrainian SSR and the United Republic of Tanzania.

2. At its first meeting, the Group elected H.E. Ambassador Tom Eric Vraaisen (Norway), Chairman and Ms. Nabeela Al-Mulla (Kuwait), Vice-Chairman. At a subsequent meeting, the Group elected H.E. Ambassador Wilbert K. Chaqula (United Republic of Tanzania) as Rapporteur.

3. The Group decided to invite the representatives of the liberation movements of southern Africa, namely the African National Congress of South Africa (ANC), the Pan Africanist Congress of Azania (PAC), and the South West Africa People's organization (SWAPO) to attend its meetings as observers. A letter was addressed to the Executive Secretary of the organization of African Unity (OAU) expressing the desire of the Group to co-operate closely in this matter as well as to the Secretary-General of the Organization of African Trade Union Unity (OATUU).

4. The Group authorized the Chairman to send a letter with a questionnaire to Governments of Member States and Non-member States concerning legislative, technical, administrative and other measures to prevent the supply and shipping of oil and petroleum products to South Africa and Namibia. In a statement on 26 March 1987 addressed to Non-governmental Organizations, the

Chairman sought their co-operation. The statement was sent by the DPI to more than 800 Non-governmental Organizations.

5. The Group requested the Secretariat to provide it with available relevant information pertaining to the supply of oil to South Africa and examine the possibility of enhancing its data base in this respect.

6. It convened in two formal meetings and five informal meetings. This report was adopted by the Group on October 1987.

7. Among the measures the international community has been employing to induce the South African racist regime to eradicate apartheid are restrictions in exporting oil and petroleum products to Pretoria. In fact, an oil embargo on South Africa was recommended by the General Assembly in resolution 32/105 G, in 1977, as part of specific measures aimed at eliminating apartheid. Efforts to impose a mandatory oil embargo by the Security Council have failed in spite of repeated recommendations by the General Assembly. The establishment, however, of the Intergovernmental Group by the General Assembly in 1986, following proposals to that effect by the United Nations Seminar on Oil Embargo against South Africa (Oslo, Norway, June 1986) and the World Conference on Sanctions against Racist South Africa (Paris, June 1986) is considered an important step towards improving the effectiveness of the present voluntary oil embargo.

8. The potential effectiveness of an oil embargo is evident. Oil being virtually the sole strategic raw material that South Africa lacks, Pretoria's dependence on the international community and her vulnerability to international pressure is absolute. Oil and petroleum products are vital for South Africa's transport sector, and for the military and police forces and account for a substantial part of the energy needs of the manufacturing industry and agriculture.

9. Due to its voluntary nature the oil embargo has neither been strictly applied, nor closely monitored and therefore, has not reached its potential effectiveness. Understandably the regime has strived to thwart international efforts to impose an effective oil embargo. As Pretoria is ready to pay

premium prices, and as the world experiences an oil over-supply, private companies have strong incentives to transport oil to South Africa under mostly secret arrangements involving oil producers, shipping companies, charterers, oil traders and a host of middlemen. Under these circumstances, officials of states, be it oil producing or oil trading and transporting, often are not aware of arrangements of oil supply to South Africa. It should be noted that the embargo so far has not resulted in the cessation of oil supplies to South Africa; instead it has led to the expansion of an illegal oil business with South Africa through the involvement of middlemen and others who have been able to circumvent the decisions of most oil exporting States regarding their prohibition on the oil export to South Africa. While small companies and middlemen are reported as being the main violators of the oil embargo, the role of major transnational oil companies such as British Petroleum (BP), Caltex, mobil, Shell and Total who own subsidiaries in South Africa can not be underestimated. Both BP and Shell are reported to be actively involved in oil imports in south Africa. In addition, tanker companies through a series of chartering schemes, are attempting to conceal their role in the violation of the oil embargo.

10. The South African regime also has resorted to exploitation of alternative energy technologies (conversion of coal to oil), as well as exploration of oil and natural gas. Furthermore, the regime is also attempting, through building and enlarging strategic oil stockpiling facilities, to lessen the effects of an embargo which would be internationally and strictly implemented. .

## II. LEGISLATIVE AND OTHER MEASURES ADOPTED BY STATES:

### RESPONSES TO THE QUESTIONNAIRE

11. The Intergovernmental Group decided to send a questionnaire to Member and non-Member States to seek information on the implementation of the relevant resolutions of the General Assembly and in particular paragraph 4 of General Assembly resolution 41/35F of 10 November 1986 which reads as follows:

4. Requests all states concerned, pending a decision by the Security Council, to adopt effective measures and/or legislation to broaden the scope of the oil embargo in order to ensure the complete cessation of the supply and shipping of oil and petroleum products to South Africa and Namibia, whether directly or indirectly, in particular:

(3) To apply strictly the "end users" clause and other conditions concerning restriction on destination to ensure compliance with the embargo;

(B) To compel the companies originally selling or purchasing oil or petroleum products, as appropriate for each nation, to desist from selling, reselling or otherwise transferring oil and petroleum products to South Africa and Namibia, whether directly or indirectly;

(3) To establish strict control over the supply of oil and petroleum products to South Africa and Namibia by intermediaries, oil companies and traders by placing responsibility for the fulfilment of the contract on the first buyer or seller of oil and petroleum products who would, therefore, be liable for the actions of these parties:

(2) To prevent access by South Africa to other sources of energy, including the supply of raw materials, technical know-how, financial assistance and transport:

(3) To prohibit all assistance to apartheid South Africa, including the provision of finance, technology, equipment or personnel for the prospecting, development or production of hydrocarbon resources, the construction or operation of oil-from-coal plants or the development and operation of plants producing fuel substitutes and additives such as ethanol and methanol;

(f) To prevent South African corporations from maintaining or expanding their holdings in oil companies or properties outside South Africa:

(3) To terminate the transport of oil to South Africa by ships flying their flags, or by ships that are ultimately owned, managed or chartered by their nationals or by companies within their jurisdiction;

(h) To develop a system for registration of ships, registered or owned by their nationals, that have unloaded oil in South Africa in contravention of embargoes imposed;

(i) To impose penal action against companies and individuals that have been involved in violating the oil embargo;

(j) To gather, exchange and disseminate information regarding violations of the oil embargo;

12. At the time of preparing this report, the following 50 States have sent substantive replies to the questionnaire. (The questionnaire is in Annex I and the responses are in Annex II): Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bolivia, Brazil, Byelorussian SSR, Canada, Chile, China, Cuba, Czechoslovakia, Denmark, Egypt, Ethiopia, Finland, German Democratic Republic, Greece, Holy See, Iran, Ireland, Israel, Jamaica, Kuwait, Malaysia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Poland, Qatar, Saudi Arabia, Singapore, Spain, Sweden, Syria, United Republic of Tanzania, Thailand, Turkey, Ukrainian SSR, Union of Soviet Socialist Republics, Venezuela and Yugoslavia. In several cases the replies have not stipulated the introduction of legislation or comparable measures concerning the oil embargo against South Africa. Instead, the embargo is incorporated as a general policy of the Governments concerned within the broader policy of sanctions against the apartheid regime. The Group has conducted a general review of the replies so far received. In this context, it has been noted that most of the replies do not respond directly to all the questions contained in the questionnaire.

### III. INDIVIDUAL CASES OF ALLEGED VIOLATIONS

13. As indicated earlier, the Group has not received sufficient information from Governments on the implementation of the oil embargo against South Africa or the violation thereof to enable it to present a comprehensive report on all aspects of the situation. The detection of individual cases of violation of

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the oil embargo depends on sophisticated methods of information collection  
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regarding the movement of ships between the ports of oil producing States or of centres of oil export to South African ports. Distinctions in this regard have to be made between calls on South African ports for bunkering or for emergency and stoppages for the delivery of oil.

14. The Group also considered alleged violations reported to it since its first meeting (see Annex III). These cases are still being considered by the Group. It should be also noted that the cases considered below do not by far represent all of South Africa's oil imports in the period covered by the report.

15. So far the main source of information concerning alleged violations has been the Shipping Research Bureau whose information has been submitted in the form of data sheets.

16. In order to diversify its sources of information the Group requested the Secretariat to study the possibilities of acquiring data on movements of ships to and from South Africa from sources within the United Nations system. Preliminary contacts with firms handling data of this character have been made with a view to exploring the possibility of diversifying its sources of information. The Group considers it essential that it obtains its data directly. In the meantime, it commends the efforts of non-governmental organizations in providing data on the movement of ships to and from South Africa. While all these sources of information are vital to the work of the a Group, it is even more important that the Group enjoys the support and co-operation of all Member states, and in particular oil exporting and oil shipping States. Although the Group has been in work for less than eight months, it has been able to establish constructive contacts with Member States concerned.

17. The Group finally wishes to stress that the publication of the cases received, contained in Annex III, does not in any way imply a charge against or a passing of judgement on the individual States concerned or companies under their jurisdiction. .

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#### IV. CONCLUSIONS AND RECOMMENDATIONS

##### Conclusions

18. The Group believes that the international community should im

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mandatory comprehensive sanctions and use all available pressure on the South 'ftw293 African regime to induce it to eradicate apartheid through peaceful means. An oil embargo can be one of the most effective means of pressure, short of comprehensive mandatory sanctions. Thus the Group believes that the Security Council is under a special obligation to impose a mandatory oil embargo against South Africa. This would complement the mandatory arms embargo imposed by the Council's resolution 418 (1977). contribute to deter the apartheid regime's oppression of the black people of South Africa, and its aggression against independent African States as well as to expedite its withdrawal from Namibia.

19. The Group recognizes the importance of the steps adopted by oil exporting States, beginning with the decision of the Summit of Arab States in Algiers in 1973, to impose an oil embargo against the racist regime of South Africa and subsequently emulated by other oil exporting States. In spite of this, South Africa continues to receive supplies of oil from the outside world through frequent and regrettable violations of the embargo.

20. It has been noted that many States have not introduced legislation or comparable measures to enforce the oil embargo. In some cases, even declared policies have not been fully observed.

21. Technical measures such as "end user" certification and other restrictive destination clauses in oil contracts would, if scrupulously implemented, assist in halting the flow of oil and petroleum products to South Africa. However, these clauses are in many cases either not implemented, neglected or subjected to cheating and falsification. Furthermore, legal action against companies and individuals involved in violating the oil embargo is rarely undertaken and penalties are not frequently imposed

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22. The Group considers the co-Operation of oil exporting and shipping States essential for its work and will continue to urge them to provide information on the issues relating to the oil embargo against South Africa and to reSpond to the Group's questionnaires and enquiries regarding reported cases of violations . In view of the above, the Group considers it important that the same questionnaire be sent again to those States who have not replied with a view to soliciting their replies for consideration by the Group next year. In addition, Governments who have not yet taken legislative or comparable measures to impose an embargo against the supply of oil and petroleum products to South Africa are invited to do so. Furthermore, the need for exchange of information between States on the embargo and assisting the Group in its task must be stressed.

23. The Group will continue its efforts to seek close co-operation with regional organizations and other intergovernmental organizations as well as non-governmental organizations in order to enhance support for the oil embargo against South Africa.

24. The Group emphasizes that in order to ensure effective monitoring of the oil embargo against South Africa, a mechanism should be established to gather and verify information on the movements of ships to and from South Africa. Such a mechanism will depend on available resources within the Secretariat, the input of Governments, relevant offices and bodies within the United Nations System, regional organizations, the liberation movements of southern . Africa, labour unions, other nonquvernmental organizations, and others concerned, and will be co-ordinated by the Group.

#### Recommendations

25. The Group recommends to the General Assembly, to request the Security Council to consider invoking Chapter VII of the Charter of the United Nations to impose a mandatory embargo on the supply and shipping of oil and petroleum products to South Africa.

26.- The Group also recommends that the Assembly pending a decision from the Security Council requests Member States, who have not yet done so, to:

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- a. Adopt legislative or comparable measures to impose an embargo on the supply and shipping of oil and petroleum products to South Africa.
  - b. Take effective measures to enforce the embargo including, inter alia restricting the destination and "end user" clauses to prohibit the supply and shipping of oil and petroleum products to South Africa.
  - c. Widely disseminate and exchange information on the oil embargo against South Africa and on the violations thereof.
  - d. Ensure that effective penalties are imposed on the violators of the embargo.
  - e. Extend co-operation to the Group and other organizations involved in the monitoring of the oil embargo.
27. The Group, aware of the complexity of the issue, intends to intensify its efforts in carrying out its mandate. It will continue to contact Governments and various organizations to ensure a more effective flow of information and co-operation in matters regarding investigation of violations of the embargo. In this respect, the Group recommends that appropriate resources be made NEEEE% available to enable it to carry out its task. The Group furthermore recommends that its mandate be renewed.

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