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2140th

MEETING: 5 APRIL 1979 COLLECTION

NEW YORK

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2140th MEETING

Held in New York on Thursday, 5 April 1979, at 4 p.m.

President: Mr. Ole ÅLGÅRD (Norway).

Present: The representatives of the following States: Bangladesh, Bolivia, China, Czechoslovakia, France, Gabon, Jamaica, Kuwait, Nigeria, Norway, Portugal, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Provisional agenda (S/Agenda/2140)

1. Adoption of the agenda
2. The question of South Africa:
Letter dated 5 April 1979 from the Permanent Representative of the Ivory Coast to the United Nations addressed to the President of the Security Council (S/13223)

The meeting was called to order at 5.15 p.m.

Statement by the President

1. The PRESIDENT: In view of the gravity and urgency of the matter about which this meeting of the Security Council has been convened, I intend to defer the expression of thanks to the President of the Council for last month, Mr. Leslie Harriman of Nigeria, to a later stage and I hope that he will understand.

Adoption of the agenda

The agenda was adopted.

The question of South Africa:
Letter dated 5 April 1979 from the Permanent Representative of the Ivory Coast to the United Nations addressed to the President of the Security Council (S/13223)

2. The PRESIDENT: I wish to inform members of the Council that I have received a letter from the representative of the Ivory Coast in which he requests to be invited to participate in the discussion of the question on the agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite the representative of the Ivory Coast to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the provisional rules of procedure.

At the invitation of the President, Mr. Thiémélé (Ivory Coast) took the place reserved for him at the side of the Council chamber.

3. The PRESIDENT: The Security Council is meeting today in accordance with the request made by the Group of African States at the United Nations in a letter dated 5 April from the Permanent Representative of the Ivory Coast to the President of the Council [S/13223].

4. Members of the Council also have before them a letter dated 5 April from the Permanent Representative of Sri Lanka to the President of the Council [S/13224]. I have also received a letter dated 5 April from the Chargé d'Affaires of the Permanent Mission of South Africa to the Secretary-General [S/13225].

5. In view of the urgency of the matter, it has been agreed among the members of the Council that there shall be two speakers only; and the other members of the Council have decided not to ask to take part in the debate.

6. The first speaker is the representative of the Ivory Coast, who wishes to make a statement in his capacity as Chairman of the African Group for the month of April. I invite him to take a place at the Council table and to make a statement.

7. Mr. THIÉMÉLÉ (Ivory Coast) (*interpretation from French*): On behalf of the African Group at the United Nations and the delegation of the Ivory Coast, I should like, first of all, to extend to you, Sir, well-deserved congratulations on your accession to the presidency of the Security Council for the month of April. I am sure that your experience in this international Organization and your qualities of a seasoned diplomat will enhance the work of this lofty forum.

8. I should like also to express the profound gratitude of my delegation to you and the other members of the Council for having allowed me to speak and in particular for having convened a meeting with such diligence to examine, at the request of the African Group, the situation in South Africa in light of the growing repression prevailing there.

9. The German philosopher Hegel wrote in his introduction to the *Philosophy of History*: "The history of the world is none other than the progress of the consciousness of freedom; a progress whose development according to the necessity of its nature it is our business to investigate".

10. More than 30 years after the Second World War, which gave a new dimension to the idea of freedom, and almost 20 years after the accession to political independence of the great majority of African States—two events which to a large extent have contributed to the restoration of human dignity throughout the African

continent—the rulers of South Africa still wish to row against the current of history by applying that ignominious, inhumane, retrograde phenomenon which has no real future, called *apartheid*, based on “separate development”, that is to say, in fact, on the existence of several categories of citizens in the same country based only on the colour of their skin.

11. The racist South African régime, which has not yet grasped the meaning of history, not only seeks to maintain that policy by bantustanization but, faced with the revolt of the majority of the South African population, is reacting with a disturbing exacerbation of the political, economic and social consequences of that policy. The Sharpeville massacres, whose nineteenth anniversary we observed with profound emotion on 21 March, are still a heavy weight on the conscience of all mankind. The crackling and avenging flames of Soweto have not yet been extinguished. Arbitrary arrests, all kinds of banishment, death sentences and summary executions are the daily lot of blacks in South Africa, of anti-*apartheid* militants and particularly of those in the South African nationalist movements. Many are those who have lost their lives in this struggle and been maimed or will suffer its effects throughout their lives. Yesterday, the entire world learned with amazement of the death of Steve Biko, a South African black, a militant and the champion of the Black Consciousness movement. Today, thanks to the liberation movements and the anti-*apartheid* organizations, we have learnt that another black, a militant in the African National Congress, Solomon Mahlangu, will be executed by the South African racists for having wished, like so many others in this country, and like so many in Africa and throughout the world, to live the life of a free and respected man, without needing to know whether he had a yellow, red or white skin.

12. Indeed, Solomon Mahlangu, a young man of 22 who sold apples in trains so as to be able to help the poor and orphan children of the district where he lived, is in a condemned cell in the Pretoria prison because he participated in the revolt of the black communities in 1976 and 1977. He is accused of murders, of offences against the Terrorism Act and, particularly, of being a militant in the African National Congress. He is condemned to death on the basis of the Doctrine of Common Purpose, and his cry protesting his innocence will not be heeded.

13. How can we fail to react to so much injustice and inhumanity when our international community and in particular our Organization have made of the struggle against *apartheid*, that crime against humanity, a noble cause for which all means must be mobilized? The numerous General Assembly and Security Council resolutions which have all condemned that shameful practice and which have emphasized that its continuation is a serious threat to international peace and security have surely done much to promote and encourage the struggle of the South African nationalist movements and those of independent Africa to put an end to it. Thus Council resolution 417 (1977) demands that the racist régime of South Africa should end violence and repression against the black people and other opponents of *apartheid* and release all persons imprisoned under arbitrary security laws and all those detained for their opposition to *apartheid*. Thus, also, General Assembly resolution 33/183 F, adopted without a vote on 24 January 1979, warns the racist régime of South

Africa of the grave consequences of the execution of freedom fighters and declares that freedom fighters captured during the struggle for liberation must be entitled to prisoner-of-war status in accordance with the relevant Geneva Conventions. That resolution also urges the Secretary-General and Member States to take appropriate steps to save the lives of Solomon Mahlangu and other captured freedom fighters.

14. The African countries which are Members of the United Nations have noted with a great deal of satisfaction the appeals made by several heads of State throughout the world, the Secretary-General and you, Mr. President, in favour of Solomon Mahlangu. That concern shown by high-ranking political leaders can only give encouragement to the African Group, which hopes that at this meeting the Security Council will be able to take a decision whereby not only the life of Solomon Mahlangu will be saved but also put an end to the barbarous repression so rampant in South Africa and that prisoner-of-war status be given to the nationalist militants arrested by the Pretoria authorities. We feel that that is the least the Organization can do to shoulder its responsibility to the South African people and liberation movements.

15. Mr. HARRIMAN (Nigeria): Mr. President, you will forgive me if I do not shower encomiums on you, in conformity with the tradition when a new President takes the Chair. In view of the solemnity of the occasion of our gathering here today, I am sure you will permit me to postpone carrying out these peripheral functions of my delegation.

16. Normally, the Security Council should not be concerned with violations of human rights: the question of human rights belongs to the Economic and Social Council and to the Commission on Human Rights and other organs of the General Assembly. It would certainly be the uniformed who would relegate the problem of South Africa to the sphere of human rights. But we succumb to such a stand today because our objectives are limited.

17. For quite some time now the United Nations, and especially the Security Council, has been increasingly preoccupied with the deterioration in the situation in South Africa—particularly the increasing repression against the indigenous people of that disturbed country. For that reason, the General Assembly has taken innumerable decisions designed to contain this deteriorating situation in South Africa. The General Assembly has declared that *apartheid* is a crime against humanity. It has condemned the *apartheid* régime and declared that its policies and practices constitute a threat to international peace and security. It has called for the support of the international community in all spheres, including assistance in the military struggle to overthrow the *apartheid* régime. It has declared that the United Nations has a very special responsibility for the oppressed people of South Africa.

18. Furthermore, in its resolution 33/183 F, the General Assembly, as indicated by the representative of the Ivory Coast, Chairman of the African Group, has already warned that the execution of Mr. Mahlangu and other patriots convicted under the obnoxious laws of the *apartheid* régime for participation in the sacred struggle for freedom cannot but have grave repercussions.

19. Had the General Assembly been gathered here, it would doubtless have expressed the expectation that these patriots would be treated as prisoners of war, in accordance with resolution 33/183 F and the relevant Geneva Conventions. Solomon Mahlangu was captured while participating in a struggle that has been sanctioned by the international community. Moreover, in paragraph 4 of its resolution 392 (1976), the Security Council recognized "the legitimacy of the struggle of the South African people for the elimination of *apartheid* and racial discrimination".

20. I remind those present who are members of the Commonwealth that the heads of State and Government of the Commonwealth have taken definitive decisions not to prejudice the methods utilized by the liberation movements in order to secure self-determination and independence.

21. Also, in its resolution 417 (1977), the Security Council *inter alia*, expressed "its support for, and solidarity with, all those struggling for the elimination of *apartheid*... and all victims of violence and repression by the South African racist régime". The Council then demanded the release of "all persons imprisoned under arbitrary security laws and all those detained for their opposition to *apartheid*".

22. Those were decisions taken by the Council. But at this point the sort of support we are calling for is not material but moral—moral in the sense of an international appeal which spans a very broad spectrum. Since Solomon Mahlangu's application for a trial as turned down by the Supreme Court at Pretoria in November 1978, a number of Governments and organizations have appealed to the South African Government, and we understand that, as a last resort, the lawyers of Solomon Mahlangu's family have also appealed for "clemency" for this poor young individual.

23. The subject of our discussion this afternoon is the life or death of Solomon Mahlangu and others like him. We

have refrained from discussing the situation in South Africa, as this is not our immediate preoccupation. At this stage—now—we call on all people of goodwill throughout the world and the many white people in South Africa itself who believe in peace and freedom and justice to join in this international plea to the Pretoria régime to spare the life of Solomon Mahlangu.

24. The PRESIDENT: We have now heard the last speaker. After consulting the members of the Council, I am authorized as President to make the following statement [S/13226]:

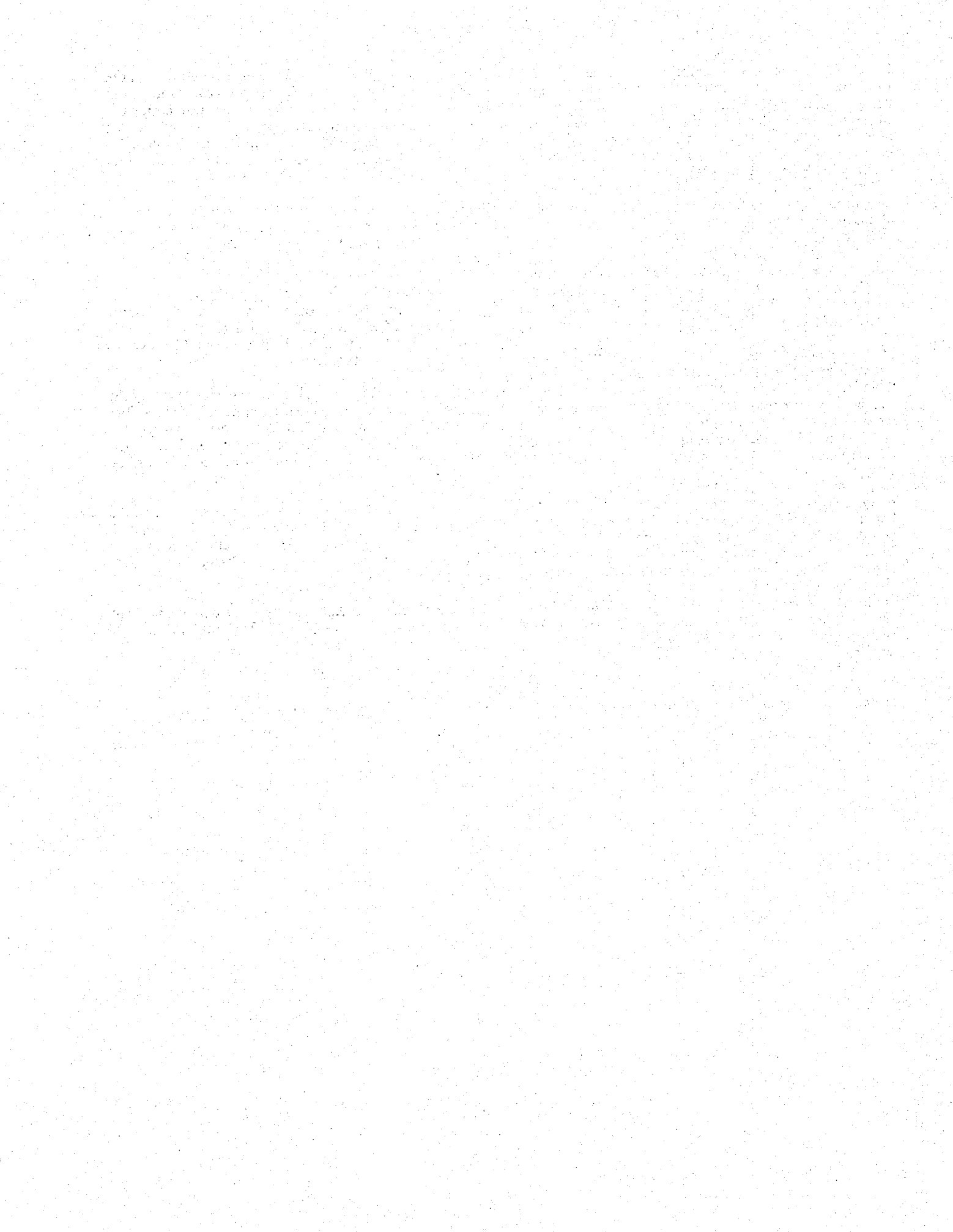
"The Security Council expresses its grave concern lest the Government of South Africa proceed with the execution of Mr. Solomon Mahlangu despite appeals from various countries and a number of world leaders, as well as the Secretary-General.

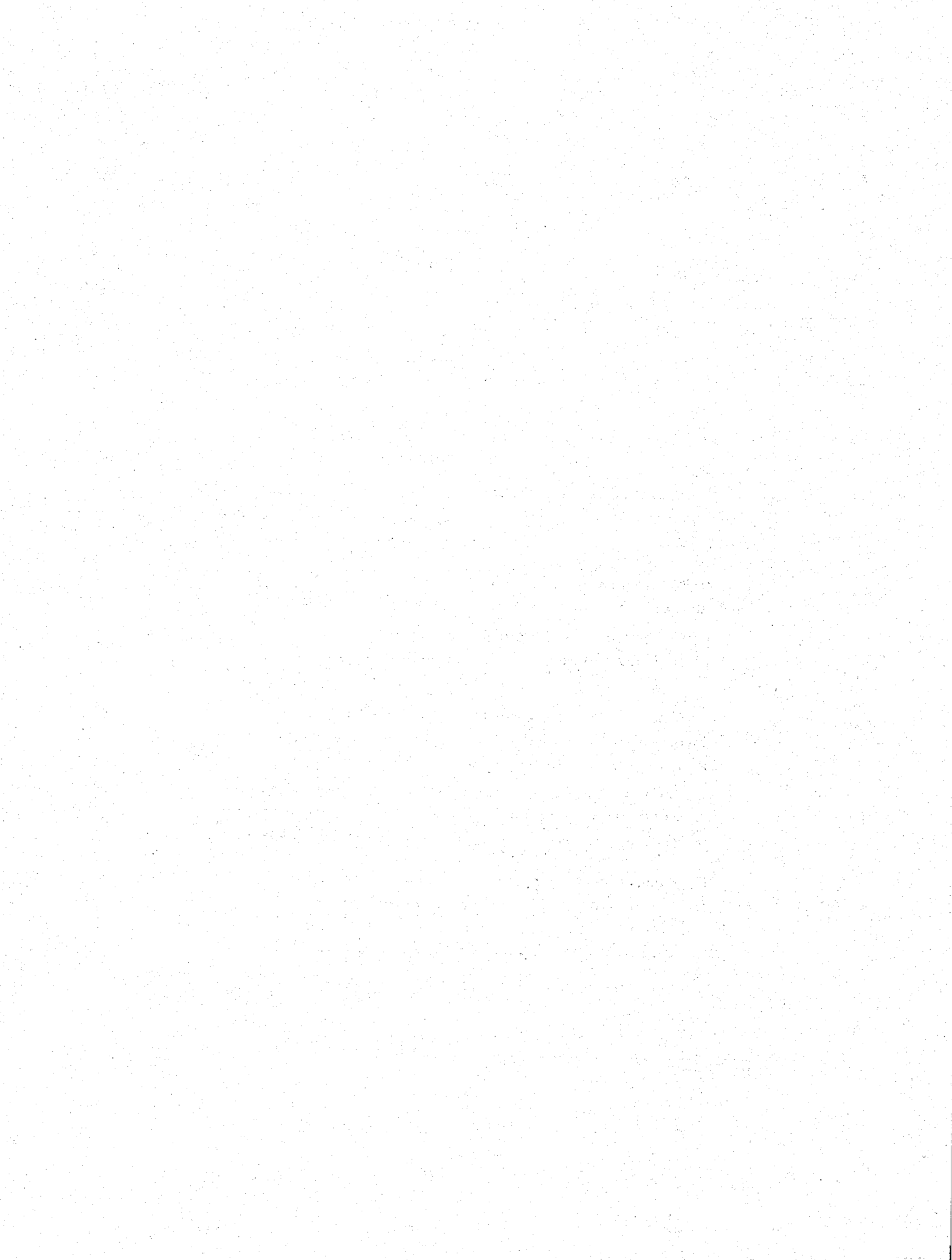
"It also recalls the appeal for clemency made by the family of Mr. Mahlangu to the South African authorities through his lawyer. The Security Council also recalls the efforts of the General Assembly to save the lives of Mr. Mahlangu and other South African leaders of the African people under sentence of death.

"Members of the Security Council hereby endorse the appeal already made by their President. They make a solemn call on the Government of South Africa to spare the life of Mr. Mahlangu and others facing the same fate in South Africa."

The text of that statement will be conveyed immediately to the State President of the Republic of South Africa.

The meeting rose at 5.40 p.m.





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