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2351st MEETING

Held in New York on Friday, 9 April 1982, at 3.30 p.m.

President: Mr. KAMANDA wa KAMANDA (Zaire).

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/2351)

1. Adoption of the agenda
2. The question of South Africa:
Letter dated 8 April 1982 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14959)

The meeting was called to order at 4.30 p.m.

Adoption of the agenda

The agenda was adopted.

The question of South Africa:

Letter dated 8 April 1982 from the Permanent Representative of Uganda to the United Nations addressed to the President of the Security Council (S/14959)

1. The PRESIDENT (*interpretation from French*): The Council is meeting in response to the request contained in a letter dated 8 April 1982 from the representative of Uganda addressed to the President of the Council [S/14959].
2. Council members also have before them document S/14958, which contains the text of a letter dated 8 April from the representative of Uganda addressed to the President of the Council, and document S/14960, which contains the text of a draft resolution submitted by Togo, Uganda and Zaire.
3. Mr. OTUNNU (Uganda): First of all, I should like to draw the attention of the members of the Council to an amendment which has been proposed and which is acceptable to the sponsors of the draft resolution in document S/14960. It replaces operative paragraph 2 by the following text:

“Urges all States and organizations to use their influence and to take urgent measures in conformity

with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments to save the lives of the three men.”

4. As I have said, that amendment is acceptable to the sponsors, so the text that I have just read out is now operative paragraph 2 of the draft resolution.
5. We have asked that this meeting be called for purely humanitarian reasons, to enable the Council to help save the lives of three patriots by means of a simple and direct appeal addressed to the South African authorities.
6. Last Wednesday, 7 April, we learned with deep concern that the South African Court of Appeal had confirmed the death sentences passed on 26 November 1980 by the Transvaal Division of the Supreme Court on the three patriots, Neimbithi Johnson Lubisi, Petrus Tsepo Mashigo and Naphtali Manana, all of whom are members of the African National Congress of South Africa (ANC). The subject of the fate of these three patriots is not a new one for the Council. Members will recall that on 5 February 1981 the President of the Council issued a statement on behalf of the Council expressing grave concern for the lives of the three patriots [S/14361].
7. As I have already said, we have asked for this meeting to be held for purely humanitarian reasons. The draft resolution contained in document S/14960 is very straightforward and focuses on a purely humanitarian concern. It has three essential elements: first, in its third preambular paragraph the Council would express the deep concern that the carrying out of the death sentences would further aggravate the situation in South Africa; secondly, in operative paragraph 1 it would call upon the South African authorities to commute the death sentences; and, thirdly, in operative paragraph 2 it would urge all States and organizations to use their influence and to take urgent measures in conformity with the Charter of the United Nations, resolutions of the Security Council and relevant international instruments to save the lives of the three men.
8. On behalf of the delegations of Togo, Uganda and Zaire and the Group of African States, on whose behalf we speak, I wish to commend to the Council the draft resolution which is before it. It is our hope that it will be adopted unanimously. This is literally a matter of life and death for the three young patriots.

9. The PRESIDENT: (*interpretation from French*): I take it that the Council is ready to vote. If there are no objections, therefore, I shall put to the vote draft resolution S/14960, as amended by the representative of Uganda.

A vote was taken by show of hands.

The draft resolution was adopted unanimously (resolution 503 (1982)).

10. The PRESIDENT (*interpretation from French*): I shall now speak as representative of ZAIRE.

11. On 5 February 1981, after considering the letter dated 28 November 1980 addressed to the President of the Security Council by the representative of Senegal [S/14277], the Council authorized its President, the representative of France, to appeal to the Government of South Africa to avoid aggravation of the situation in that country and to take into account the concern expressed by the international community for the lives of Mr. Johnson Lubisi, Mr. Naphtali Manana and Mr. Petrus Tsepo Mashigo. The text of the statement by the President of the Council was immediately sent to the President of the Republic of South Africa. It is regrettable that the Pretoria régime rejected that appeal of the Council, that it did not deem it fit to give the appeal the attention it deserved and that consequently the Pretoria Court of Appeal on 7 April 1982 confirmed the death sentences imposed on Mr. Johnson Lusibi, Mr. Naphtali Manana and Mr. Petrus Tsepo Mashigo.

12. The legitimacy of the liberation struggle of the internationally recognized liberation movements has been acknowledged by the entire international community, which regards them as the legitimate and authentic representatives of the peoples of South Africa. It is therefore unacceptable for the Pretoria régime to continue treating the freedom-fighters as common-law criminals, thereby denying the just claims of the South African black majority for respect for their inalienable rights and fundamental freedoms and for the emergence of a truly democratic society.

13. This is certainly the time for all the enlightened people of the world struggling to ensure respect for human rights and fundamental freedoms to demonstrate the full extent of their dedication to the defence of those values by intervening with the South African Government to urge it not to carry out the death sentences against the South African patriots members of the ANC.

14. The Republic of Zaire has associated itself with the efforts of the Group of African States and all the members of the Council to induce the Pretoria régime, for profoundly humanitarian reasons, to commute the death sentences imposed on these patriots and to free them, purely and simply. It cannot have escaped the attention of the South African authorities, or the au-

thorities of all the other States of the world, that executions and arbitrary sentences victimizing South African patriots will not succeed in stifling the aspirations of the South African people to exercise its right to self-determination, or its determination to regain its fundamental rights and freedoms, in accordance with the Charter of the United Nations. In the view of the Zaire delegation, such acts, motivated by deliberate and unjustified offensive violence, can only provoke in turn acts of defensive violence by a people that has been left no other recourse, until power is transferred to the South African black majority. For, quite obviously, the Africans of South Africa, like those elsewhere, will not let themselves be intimidated.

15. I now resume my role as PRESIDENT of the Council.

16. Mr. LICHENSTEIN (United States of America): The delegation of the United States was very pleased to be able to associate itself affirmatively with the draft resolution before the Council. We commend its sponsors for their agreement to make a critically important amendment to operative paragraph 2.

17. The United States is deeply and continuously concerned with the preservation of human rights, with the extension of human rights in South Africa and throughout the world. We ground our association with this resolution in the same concern that we presently feel for the four prisoners of conscience in Moscow, now in the eighth day of a hunger strike, seeking desperately to focus the world's attention on their request to be permitted to join their spouses, who are living in three other nations of the world. We ground our concern in the same concern that we feel for the people of Poland who are being deprived of human rights, and the people of Afghanistan, of Kampuchea, and, unhappily, of a very long list of other countries in every part of the world.

18. In this context, and in the context of our understanding that "relevant international instruments" include of course the Universal Declaration of Human Rights, the United States endorses and supports the resolution.

19. Mr. OVINNIKOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): The representative of the United States, using an old tactic, has today preferred to speak not on the agenda item now before the Council but on a question quite alien to that agenda item. I wish only to say a few words on the conduct of the delegation of the United States, strictly on the item now under consideration by the Council.

20. This is not the first time that the Council has been obliged to consider an item connected with the threat to the lives of freedom-fighters and patriots in South Africa. In February last year, the Council considered this issue [2264th meeting]. What was the

behaviour of the delegation of the United States at that time? As a price for a humanitarian appeal to save the lives of these patriots, the United States delegation demanded that the Council virtually recognize the juridical system of *apartheid*. That demand of the United States was rejected by the other members of the Council. But it clearly revealed the thinking of the United States delegation, which was seeking to defend the illegal system of *apartheid*.

21. Today we were called to urgent consultations because the South African régime had ignored the appeal made by the President of the Council in February 1981 [S/14361], and because the lives of these three patriots were once again threatened. The United States once again took part in the discussion. And what was the price it demanded from the other members of the Council, and from the Council as a whole, in exchange for its agreement?

22. The amendment which it submitted was designed to change the entire context—that is, the context of the saving of the lives of these three young patriots. That context is completely clear: it is to be found in Security Council resolution 473 (1980), which was adopted unanimously on 13 June 1980. Paragraph 3 of that resolution states that the Council:

“Reaffirms that the policy of *apartheid* is a crime against the conscience and dignity of mankind and is incompatible with the rights and dignity of man, the Charter of the United Nations and the Universal Declaration of Human Rights, and seriously disturbs international peace and security.”

23. That is the context in which the Council must consider and is considering the issue of the threat to the lives of these three patriots. What was the reason for the manoeuvre on the part of the United States today? What is the meaning of this attempt—which indeed failed—to make the Council bend to its will? The United States wanted us to consider the threat to the lives of these three patriots in the context of the violation of human rights and not in the context of the policy of *apartheid*, a policy incompatible with human rights and dignity. This attempt has failed, but

it has once again revealed the thinking of the United States.

24. These two cases show that in recent months there has been an increasing merging of the policy of the United States with the policy of the racist *apartheid* régime of South Africa. That is a very dangerous association. Indeed, in August last year, the delegation of the United States, here in the Council, came to the defence of South Africa when it had committed an act of aggression against the People's Republic of Angola [2296th to 2300th meetings]. At that time, the United States, defending its *de facto* ally, the *apartheid* régime, vetoed the draft resolution [S/14664/Rev.2] in the Council. Therefore, the policy and practice of the United States is increasingly merging with the shameful *apartheid* régime, and that United States policy consists of considering the *apartheid* régime as an ally.

25. Mr. LICHENSTEIN (United States of America): In the interest of thorough and accurate rather than selective history, and with reference to the context in which I put the resolution before us and the United States vote on that resolution, I too should like to quote from resolution 473 (1980), adopted on 13 June 1980 with the affirmative vote of the United States. In the seventh paragraph of that resolution, the Council reaffirms:

“its recognition of the legitimacy of the struggle of the South African people for the elimination of *apartheid* and the establishment of a democratic society in accordance with their inalienable human and political rights as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights.”

26. Mr. WYZNER (Poland): My delegation regrets that the representative of the United States saw fit to deviate from the grave and urgent subject on our agenda and to make a totally unfounded reference to my country. We firmly reject that reference as having nothing in common with the truth.

The meeting rose at 4.55 p.m.

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