

Dis 090Y002

[SOUTHERN AFRICA]

[ADVANCE COPIES]

17

PS

PS/LPS

PS/MR LUCE

PS/PUS

~~MR DAY~~ *Sir J Leahy*

MR WRIGHT

SIR L ALLINSON

MR ADAMS

MR GILLMORE

HD/S AF D

HD/C AF D

HD/UND

HD/DEFENCE D

MR FREELAND LEGAL ADVISER RMK200A

HD/NEWS D

RESIDENT CLERK

MR COLLINS DOT

MR R L WADE-GERY
CABINET OFFICE

NO 10 DOWNING STREET

CONFIDENTIAL

DESKBY 090800Z

FROM U K MISSION NEW YORK 082345Z APRIL 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 431 OF 8 APRIL

INFO IMMEDIATE CAPE TOWN PRIORITY WASHINGTON AND PARIS.

CAPE TOWN TELNO 249 (NOT TO ALL): CONDEMNED ANC MEMBERS.

1. THE CHAIRMAN OF THE AFRICAN GROUP HAS REQUESTED A MEETING OF THE SECURITY COUNCIL TO CONSIDER THE CONFIRMATION OF THE DEATH SENTENCES ON LUBISI, MASHIGO AND MANANA. THE COUNCIL WILL MEET IN INFORMAL CONSULTATIONS AT 1600Z ON 9 APRIL.

2. THE AFRICAN GROUP MET ON THE AFTERNOON OF 8 APRIL TO CONSIDER THEIR TACTICS. WE DO NOT YET HAVE AN ACCOUNT OF THE MEETING. BUT AS YOU KNOW, THE LAST TWO COMPARABLE OCCASIONS (DEATH SENTENCES PASSED AGAINST TSOTSOBE, SHABANGU AND MOISE IN AUGUST 1981 (UKMIS TELNOS 766 AND 767) AND THE PREVIOUS CONSIDERATION OF THE SILVERTON CASE IN JANUARY AND FEBRUARY 1982) HAVE LED TO PROTRACTED NEGOTIATIONS ON THE TERMS OF A DRAFT STATEMENT BY THE PRESIDENT OF THE COUNCIL. THE AFRICANS ARE UNLIKELY TO RESIST THE TEMPTATION ONCE AGAIN TO FLOAT A DRAFT CONTAINING LANGUAGE UNACCEPTABLE TO THE UNITED STATES AND PERHAPS TO THE UK.

3. AS SEEN FROM HERE, OUR INTEREST LIES IN OBTAINING THE FASTEST POSSIBLE RESULT WITH THE MINIMUM DISCORD BETWEEN OURSELVES AND THE

3. AS SEEN FROM HERE, OUR INTEREST LIES IN OBTAINING THE FASTEST POSSIBLE RESULT WITH THE MINIMUM DISCORD BETWEEN OURSELVES AND THE AFRICAN GROUP. IF THE COUNCIL'S PROCEEDINGS ON THIS SUBJECT ARE PROLONGED, THERE WILL BE AN INCREASING DANGER THAT SOMEONE WILL RAISE OUR NAVAL PREPARATIONS OVER THE FALKLANDS. WE HAVE HAD GOOD SUPPORT SO FAR FROM THE AFRICANS ON THE FALKLANDS. IT WOULD BE A MISTAKE TO RISK DILUTING THIS BY BEING DIFFICULT OVER THE TERMS OF A STATEMENT ON THE DEATH SENTENCES. ON THIS OCCASION THE RISK OF IRRITATING THE SOUTH AFRICANS WOULD BE MUCH THE LESSER EVIL.
4. I THEREFORE RECOMMEND THAT WE SHOULD SEEK TO:
- (A) PERSUADE THE AFRICANS THAT THEIR INTERESTS WOULD BEST BE SERVED BY A SHORT AND EARLY PRESIDENTIAL STATEMENT FOCUSSED ON THE HUMANITARIAN ASPECTS - IE ESSENTIALLY A PLEA FOR CLEMENCY. WE WOULD ARGUE THAT, ON PAST FORM, THE SOUTH AFRICANS MAY CARRY OUT THE SENTENCES QUICKLY. WE COULD ADD THAT, IF THE AFRICANS' OBJECTIVE IS TO SAVE LIVES, THEY WOULD BE UNWISE TO INCLUDE LANGUAGE WHICH WOULD PRODUCE AN ADVERSE REACTION IN SOUTH AFRICA:
 - (B) EXPLAIN FRANKLY TO THE US MISSION WHY WE WANT A QUICK MEETING, AND PRESS THEM TO DO ALL THEY CAN TO AVOID A REPLAY OF LAST YEAR'S ARGUMENTS. (AT DESK LEVEL, THE US MISSION HAVE INDICATED THAT THEY WOULD EXPECT TO HAVE MORE FLEXIBLE INSTRUCTIONS THAN LAST YEAR):
 - (C) WORK FOR A MEETING OF THE COUNCIL AT WHICH THERE ARE NO SPEAKERS, BUT SIMPLY A STATEMENT BY THE PRESIDENT (AS OCCURRED ON 5 FEBRUARY 1982). IF ALL OR MOST MEMBERS OF THE COUNCIL SPEAK, WE WOULD MAKE A SHORT STATEMENT CONCENTRATING ON THE HUMANITARIAN ANGLE. THIS OUGHT TO SOUND RATHER MORE SYMPATHETIC TO THE AFRICAN CASE THAN OUR STATEMENT ON 27 AUGUST 1981. MIFT CONTAINS A SUGGESTED DRAFT.
5. THE US EMBASSY AT CAPE TOWN HAVE REPORTED THAT (PACE CAPE TOWN TELNO 173, PARA 4) THE EXECUTIONS ARE NOT EXPECTED TO TAKE PLACE SOON. THE DEFENCE LAWYERS APPARENTLY INTEND TO FILE A PLEA FOR CLEMENCY WITH THE STATE PRESIDENT, WHICH COULD TAKE MONTHS TO RESOLVE. NEEDLESS TO SAY, IF THE AFRICAN GROUP HERE SHARE THE US ASSESSMENT, OUR CHANCES OF A QUICK RESULT IN THE COUNCIL ARE POOR.
6. GRATEFUL FOR INSTRUCTIONS BY 091300Z ON 9 APRIL.

WHYTE

NNNN