

PREM 19/1641



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SOUTH AFRICA

PE 1: JUNE 1979

PE 4: OCTOBER 1984

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>1.10.84</del>		28.2.85					
<del>3.10.84</del>		<del>22.3.85</del>					
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<del>21.2.85</del>							



● PART 4 ends:-

Washington Tel 1992 29.6.85.

PART 5 begins:-

CDP to FCO 1.7.85.



TO BE RETAINED AS TOP ENCLOSURE

### Cabinet / Cabinet Committee Documents

Reference	Date
CC(85) 21 <sup>st</sup> Meeting minutes, item 2	20/06/1985
CC(85) 13 <sup>th</sup> Meeting minutes, item 2	18/05/1985
CC(84) 41 <sup>st</sup> Meeting minutes, item 2	13/12/1984
CC(84) 34 <sup>th</sup> Meeting minutes, item 2	25/10/1984
CC(84) 33 <sup>rd</sup> Meeting minutes, item 3	18/10/1984
CC(84) 32 <sup>nd</sup> Meeting minutes, item 1	04/10/1984

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed         *J. Gray*        

Date         16/6/2014        

**PREM Records Team**



## Foreign and Commonwealth Office document

Reference: FCO Despatch DD 1985/129  
Description: South Africa: Annual Review for 1984  
Date: 3 January 1984

The above FCO document, which was enclosed on this file has been removed and destroyed.

Such documents are the responsibility of the Foreign and Commonwealth Office. When released they are available in the appropriate FCO CLASSES.

Signed

J. Gray

Date

16/6/2014

**PREM Records Team**



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SOUTHERN AFRICA

PS

PS/MR RIFKIND

PS/PUS

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HD/SAFD

HD/CAFD

HD/UND

HD/NEWS DEPT

RESIDENT CLERK

MR CLG MALLABY, CABINET OFFICE

PS/NO 10 DOWNING STREET



**IMMEDIATE**

15.11.81

*We must not let the US  
in this - in the spirit of  
MFB*

CONFIDENTIAL

FM WASHINGTON 291620Z JUNE 85

TO IMMEDIATE FCO

TELEGRAM NUMBER 1992 OF 29 JUNE

INFO IMMEDIATE UKDEL MILAN (FOR APPELYARD), PRETORIA, MASERU

INFO PRIORITY GABORONE. MAPUTO, LUANDA

SOUTH AFRICA/LESOTHO RELATIONS

SUMMARY

1. U.S. SEE A DANGER OF A REPETITION ON MASERU OF THE SOUTH AFRICAN RAID ON GABORONE, AND URGE UK DIPLOMATIC ACTION. DETAIL
2. CROCKER SUMMONED KERR ON 29 JUNE TO REPORT THAT STATE WERE WORRIED ABOUT THE POSSIBILITY OF SOUTH AFRICAN MILITARY ACTION AGAINST LESOTHO, AND WOULD WELCOME UK ASSISTANCE IN DIPLOMATIC EFFORTS TO PERSUADE BOTH SIDES TO START TALKING.
3. CROCKER SAID THAT THE EXPLOSIONS IN THE TRANSKEI ON 25 JUNE COULD PROVIDE PRETORIA WITH A REASON, OR EXCUSE, FOR PUNITIVE ACTION AGAINST LESOTHO. SOUTH AFRICAN RADIO ON 27 JUNE HAD DRAWN ATTENTION TO A POLICE STATEMENT THAT QUOTE ANC SUICIDE SQUADS WERE OPERATING NOT ONLY FROM GABORONE, BUT WERE ALSO BEING CONTROLLED FROM THE LESOTHO CAPITAL OF MASERU. UNQUOTE. CROCKER DID NOT KNOW WHETHER THIS ALLEGATION WAS WELL-FOUNDED (THOUGH HE THOUGHT IT NOT WHOLLY IMPLAUSIBLE). NOR HAD HE SEEN ANY EVIDENCE



DID NOT KNOW WHETHER THIS ALLEGATION WAS WELL-FOUNDED (THOUGH HE THOUGHT IT NOT WHOLLY IMPLAUSIBLE). NOR HAD HE SEEN ANY EVIDENCE THAT THE SOUTH AFRICANS WERE PLANNING PUNITIVE ACTION; BUT THEIR RECENT PATTERN OF BEHAVIOUR, AND AN APPARENT BREAKDOWN OF DIRECT COMMUNICATIONS BETWEEN PRETORIA AND MASERU, MADE HIM UNEASY.

4. CROCKER'S PRESCRIPTION WAS FOR DIPLOMATIC ACTION IN BOTH CAPITALS. IN MASERU, THE AIM SHOULD BE TO ARGUE FOR A MORE COHERENT DIALOGUE WITH SOUTH AFRICA ON SECURITY ISSUES. IN PRETORIA, IT SHOULD BE TO STRESS THE IMPORTANCE OF TALKING TO THE LESOTHO, RATHER THAN RESORTING TO DIRECT ACTION WHICH WOULD PRODUCE FURTHER MASSIVELY NEGATIVE WORLD-WIDE REACTION.

5. CROCKER SAID THAT THE US WOULD BE ACTING IN THIS SENSE IN BOTH CAPITALS AS SOON AS POSSIBLE. BUT THEY WOULD GREATLY WELCOME OUR SUPPORT. THE LESOTHO MIGHT BE MORE READY TO LISTEN TO US THAN TO THE AMERICANS. AND IF THE AMERICANS ALONE ACTED IN PRETORIA, THE DFA MIGHT DISCOUNT THEIR ACTION AS A CONSEQUENCE OF THE CURRENT BILATERAL QUARREL, OR THE CURRENT CONGRESSIONAL CLIMATE. THEY SHOULD BE MADE TO REALISE THAT ANY RAID ON MASERU WOULD OCCASION GENERAL HOSTILE REACTIONS, AND NOT JUST FROM THE US.

6. KERR UNDERTOOK TO CONVEY CROCKER'S REQUEST. WE UNDERSTAND THAT AT THIS STAGE ONLY THE UK ARE BEING APPROACHED.

WRIGHT

NNNN

00 100





Foreign and Commonwealth Office

London SW1A 2AH

24 June, 1985

CDP  
25/6

Dear Charles,

Seminar on Policy Towards South Africa

Thank you for your letter of 17 June. We have set in hand the discussion paper on policy towards South Africa and are in touch with the DTI and the Treasury.

We shall be writing to you separately with suggestions for participation in the Seminar.

Yours ever,

Colin Budd

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street



FOR .POL : Strategy : Pt 3.

British and Commonwealth Office

London: RADA SAH





GRS 1250

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FM CAPE TOWN 211115Z JUN 1985

TO IMMEDIATE FCO

TELEGRAM NUMBER 226 OF 21 JUNE

INFO IMMEDIATE PRETORIA, WASHINGTON, PARIS, BONN, OTTAWA, UKMIS  
NEW YORK, GABORONE, MASERU, LUANDA, MAPUTO.

YOUR TELNO 64 (NOT TO ALL): SOUTH AFRICAN EXTERNAL POLICY.

SUMMARY

1. I DO NOT BELIEVE THAT THERE HAS BEEN ANY FUNDAMENTAL CHANGE IN POLICY BY THE SOUTH AFRICAN GOVERNMENT. EVERYTHING THAT HAS HAPPENED RECENTLY ON THE EXTERNAL FRONT CAN BE SEEN AS CONSISTENT WITH EXISTING POLICY. THIS VIEW IS BORNE OUT BY PRESIDENT'S REMARKS THIS WEEK AT THE INAUGURATION OF THE MULTI-PARTY CONFERENCE (MPC) ADMINISTRATION IN WINDHOEK AND ON THE LAST DAY OF PARLIAMENT. IT IS ALSO CONFIRMED BY THE SENIOR DFA OFFICIAL IN PIK BOTHA'S PRIVATE OFFICE.

DETAIL

2. ONE OF THE MOST IMPORTANT ELEMENTS IN SOUTH AFRICAN POLICY HAS ALWAYS BEEN TO PREVENT ATTACKS ON SOUTH AFRICA BY THE ANC. THERE IS NO SIGNIFICANT DIFFERENCE BETWEEN DFA AND MILITARY ABOUT THE NEED FOR THIS, AND INDEED THE OBJECTIVE IS ENDORSED EVEN BY THE LIBERAL WHITE OPPOSITION. THEY HAVE STILL TO CONDEMN THE GABORONE RAID. IT IS SIGNIFICANT THAT THE DECISION TO RAID GABORONE WAS MADE BY THE MINISTER OF FOREIGN AFFAIRS IN THE CAPACITY AS ACTING MINISTER OF DEFENCE (GENERAL MALAN WAS AWAY). THE DFA HAVE TOLD US THAT THERE WERE NO DIFFERENCES BETWEEN THE DEPARTMENTS OF DEFENCE AND THE DFA ON THE DECISION.

3. THE OBJECTIVE OF DENYING FACILITIES TO THE ANC IN NEIGHBOURING COUNTRIES HAS BEEN APPROACHED IN DIFFERENT WAYS AT DIFFERENT TIMES. THE 1982 ATTACK ON MASERU AND THE 1984 NKOMATI ACCORD BOTH LED TO NEIGHBOURING COUNTRIES CLAMPING DOWN ON ANC ACTIVITIES. THE SOUTH AFRICAN GOVERNMENT HOPE THAT THE RECENT RAID ON GABORONE WILL HAVE THE SAME RESULT. IN THIS RESPECT POLICY IS CONSTANT AND NOT A RESULT OF VICTORIES FOR HAWKS OR DOVES. IN A SPEECH TO THE CLOSING SESSION OF PARLIAMENT ON 19 JUNE THE STATE PRESIDENT DEFENDED SOUTH AFRICA'S RIGHT TO COMBAT TERRORISM MAINTAINING THAT THE SOUTH AFRICAN GOVERNMENT CANNOT SIT BACK AND ALLOW TERRORISTS TO MURDER AND KILL SOUTH AFRICAN CITIZENS WITH IMPUNITY. HE HAS SAID THIS BEFORE. AT THE SAME TIME HE OFFERED A 'HAND OF FRIENDSHIP' TO NEIGHBOURS AND EXPRESSED THE HOPE THAT THERE COULD BE AGREEMENT ON CERTAIN GROUND RULES ON REGIONAL CO-OPERATION, A THEME WHICH HE HAD ALSO SPOKEN ABOUT IN HIS SPEECH IN WINDHOEK ON 17 JUNE. THE SOUTH AFRICAN MINISTER OF FOREIGN AFFAIRS REVEALED YESTERDAY (20 JUNE) THAT HE HAD WRITTEN TO HIS BOTSWANA COUNTERPART AFTER THE RAID SEEKING TO PUT BILATERAL RELATIONS ON A BETTER FOOTING.

RAID ON GABORONE

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14



4. MANLEY, IN PIK BOTHA'S OFFICE, HAS OPENLY ADMITTED TO THE HEAD OF CHANCERY THAT THE RAID ON GABORONE WAS A REPRISAL FOLLOWING THE ATTACK EARLIER IN THE WEEK ON THE HOME OF A COLOURED DEPUTY MINISTER IN CAPE TOWN IN WHICH HE WAS INJURED. MANLEY SAID THAT THE SOUTH AFRICAN GOVERNMENT NEEDED TO BE SEEN TO BE REACTING TO ANC ACTIVITIES. HENCE THE TIMING AND THE WAY IN WHICH THE RAID HAD BEEN CARRIED OUT. THE SOUTH AFRICANS HAD FIRM INFORZATPON THAT DESPITE PREVIOUS EFFORTS TO PERSUADE THE BOTSWANA GOVERNMENT TO CLAMP DOWN ON THE ANC, THE ANC WERE CONTINUING TO USE BOTSWANA AS A BASE. THE SOUTH AFRICANS HAD INTERCEPTS WHICH PROVED THIS ALTHOUGH THEY COULD NOT PRODUCE THESE PUBLICLY. ONE HAD REVEALED THE EXISTENCE OF AN ANC PLAN WHICH IF PURSUED WOULD HAVE LED TO ATTEMPTS TO KILL NOT ONLY BLACK AND COLOURED LEADERS BUT ALSO WHITE MINISTERS. PIK BOTHA HAD BEEN SPECIFICALLY MENTIONED. MANLEY CLAIMED THAT THE SADF HAD CAPTURED AN ANC COMPUTER AND DISC STORE IN GABORONE WHICH IF RELEASED WOULD SUBSTANTPATE SOME OF THEIR CLAIMS ABOUT WHAT WAS BEING PLANNED IN BOTSWANA. A MEMBER OF THE SECURITY POLICE YESTERDAY SHOWED THE PRESS A SMALL QUANTPTY OF WEAPONS AND DOCUMENTS ALLEGEDLY SEIZED IN THE RAID INCLUDING A MAP OF THE ROSSING INSTALLATION IN NAMIBIA AND RECORDS OF TELEPHONE CALLS WHICH THE POLICE CONSIDER EVIDENCE OF THE ROLE OF THE ANC PREMISES RAIDED.

5. OUR CONCLUSION IS THAT IN ADDITION TO SERVING AS A RETALIATION THE RAID WAS ALSO MOUNTED TO ACHIEVE CERTAIN SPECIFIC OBJECTIVES. HAD THE ATTACK ON THE DEPUTY MINISTER NOT OCCURRED, A RAID WOULD PROBABLY STILL HAVE BEEN CARRIED OUT. IT WOULD NOT NECESSARILY HAVE BEEN AN OPEN MILITARY OPERATION. ALTHOUGH A RAID OF THIS NATURE NEEDS DETAILED PLANNING AND IT IS LIKELY THAT SOME SORT OF CONTPNGENCY PLAN FOR AN SADF ATTACK EXISTED. THE TARGETS HAD ALREADY BEEN IDENTIFIED WELL BEFOREHAND PROBABLY BY COVERT OBSERVATION BY THE SOUTH AFRICANS.

6. WE ALSO CONSIDER THAT THE SOUTH AFRICANS MUST CERTAINLY HAVE TAKEN INTO ACCOUNT THAT THEIR ACTIVITIES WOULD LEAD TO EMBARRASSMENT FOR WESTERN GOVERNMENTS AND CRITICISM BY NEIGHBOURS. THEIR EXPERIENCE WITH THEIR RAID ON MASERU AND THEIR BOMBING OF A FACTORY OUTSIDE MAPUTO AFTER A BOMB EXPLOSION AT AN SADF HEADQUARTERS IN PRETORIA IN 1983 WILL NOT HAVE DETERRED THEM FROM GOING AHEAD. IN BOTH THESE CASES THEY BELIEVE THAT THEIR ACTION LED DIRECTLY TO A SUBSEQUENT IMPROVEMENT IN RELATIONS. THEY HAVE DECIDED THAT ACTION AGAINST SPECIFIC TARGETS IS NOT LIKELY TO RESULT IN A REVERSAL OF THE POLICY OF WESTERN GOVERNMENTS TOWARDS SOUTH AFRICA. PRESIDENT REAGAN HAS ALREADY CONFIRMED THAT THERE WILL BE NO REVERSAL OF THE US POLICY OF CONSTRUCTIVE ENGAGEMENT AND THIS IS SEEN HERE AS CONFIRMING THE SOUTH AFRICAN ASSESSMENT THAT THE POLITICAL RISK OF THE GABORONE ACTION WAS ACCEPTABLE.



7. IT HAS BEEN A SOUTH AFRICAN OBJECTIVE FOR A LONG TIME TO SUPPORT UNITA AND TO TRY TO ENSURE THAT THE ANGOLA/NAMIBIA ROUTE DOES NOT BECOME A ROUTE THROUGH WHICH THE ANC CAN ENTER SOUTH AFRICA. PROBES AND COVERT ACTION SUCH AS AT CABINDA ARE NOT A NEW DEPARTURE BY THE SOUTH AFRICANS. THE RAID ON CABINDA WAS ESSENTIALLY A HANGOVER FROM A LONG-STANDING POLICY OF COVERT ACTIVITY WHICH WENT WRONG. BUT THE POTENTIAL DAMAGE IF THE OPERATION MISFIRED SEEMS TO HAVE BEEN SERIOUSLY UNDERESTIMATED. THE GOVERNMENT MAY HAVE BEEN PERSUADED THAT THERE WAS ONLY A MINIMAL RISK OF THINGS GOING WRONG, ITSELF AN ERROR OF JUDGEMENT.

#### NAMIBIA

8. THE INTENTION TO MOVE TO A MORE BROADLY BASED ADMINISTRATION IN NAMIBIA HAS BEEN IN SOUTH AFRICAN MINDS FOR SOME YEARS AND THE SPECIFIC PROPOSAL TO INTRODUCE AN MPC ADMINISTRATION HAS BEEN UNDER DISCUSSION FOR THE LAST SIX MONTHS. IN EVERYTHING THAT THE SOUTH AFRICAN GOVERNMENT HAVE SAID ABOUT THE MPC ADMINISTRATION THEY HAVE BEEN CAREFUL TO AVOID THE USE OF THE TERM 'INTERIM GOVERNMENT'. THE STATE PRESIDENT KEPT TO THIS LINE IN WINDHOEK ON 17 JUNE. HE REPEATED HIS EARLIER REFERENCES TO THE NEED FOR AN 'INTERNATIONALLY ACCEPTABLE SOLUTION' IN NAMIBIA. WE REMAIN OF THE VIEW THAT THE SOUTH AFRICANS WILL DO NOTHING THAT WOULD BE LIKELY TO END AMERICAN EFFORTS TO BRING ABOUT CUBAN WITHDRAWAL PREMATURELY. BUT THERE IS NO SIGN THAT THE SOUTH AFRICANS ARE PERSUADED THAT IT IS IN THEIR INTEREST TO MAKE SIGNIFICANT CONCESSIONS TO SPEED UP THE PROCESS. THIS MAY LEAD TO FURTHER PROBLEMS FOR US/SA RELATIONS. THE SOUTH AFRICANS PROBABLY SEE WITHDRAWAL AS INCREASINGLY UNLIKELY, BUT WE DO NOT BELIEVE THAT THEY ARE FRUSTRATED BY THE US INABILITY TO DELIVER ON THE CUBANS. THEY DO NOT WANT TO RUSH THINGS AND COULD ACCEPT A RESIDUAL CUBAN PRESENCE WITHOUT TOO MUCH DIFFICULTY IF THEY WANTED PROGRESS. THE SOUTH AFRICANS ARE IRRITATED WITH THE US ADMINISTRATION'S EFFORTS TO FORCE THE PACE OVER INTERNAL REFORM AND NAMIBIA. THIS HAS SHOWED THROUGH IN VARIOUS RECENT SOUTH AFRICAN GOVERNMENT STATEMENTS. NONETHELESS THEY ARE PREOCCUPIED WITH THE INTERNAL SITUATION WITHIN THE REPUBLIC AND WILL NOT WANT TO COMPLICATE THEIR PROBLEMS BY UNNECESSARY FURTHER EARLY CHANGES IN WINDHOEK. IT WOULD BE UNCHARACTERISTIC FOR THE SOUTH AFRICANS TO FORCE THE PACE UNNECESSARILY.

9. ALTHOUGH THE DFA CONTINUE TO ASSURE US THAT THE GOVERNMENT MAINTAIN THEIR COMMITMENT TO A 435 SETTLEMENT, THE INSTALLATION OF A COOPERATIVE MPC ADMINISTRATION IN WINDHOEK IN NO WAY CUTS ACROSS SOUTH AFRICAN INTERESTS. THE ADMINISTRATION NEEDS TIME TO SETTLE IN AND THERE COULD BE DIVIDENDS FOR SOUTH AFRICA IF THE MPC WERE THEN SUCCESSFUL IN BUILDING UP INCREASED LOCAL SUPPORT.

CONCLUSION

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10. SOUTH AFRICAN POLICY IS BASED ON THE ASSUMPTION THAT SOUTH AFRICA MUST NOT BE DETERRED BY INTERNATIONAL CRITICISM FROM HITTING BACK HARD. THE SOUTH AFRICAN GOVERNMENT ARGUE THAT TO TAKE A SOFTER LINE WOULD ONLY ENCOURAGE THE ANC AND CAUSE NEIGHBOURING COUNTRIES TO BE MORE ACCOMMODATING TOWARDS ALLOWING THE ANC TO OPERATE FROM THEIR TERRITORIES.

11. THE GOVERNMENT ALSO CALCULATE THAT THEIR POLITICAL SUPPORTERS WANT FIRM ACTION AND IN THIS COUNTRY THIS IS A MORE WEIGHTY FACTOR THAN THE CALCULATION OF INTERNATIONAL PRESSURE. IT CAN SOMETIMES LEAD TO SERIOUS MISCALCULATIONS.

12. THERE ARE CONSIDERABLE SIMILARITIES BETWEEN THE ATTACK ON GABORONE AND THE ATTACK ON MASERU IN 1983. BOTH OPERATIONS WERE MESSY, ESSENTIALLY RETALIATORY FOLLOWING A PARTICULAR INCIDENT AND LED TO THE DEATH OF INNOCENT PEOPLE BY ACCIDENT. THE REASONS THAT LED TO THE TWO ATTACKS AND THE RESPONSE ARE MUCH THE SAME. THIS IN ITSELF POINTS TO THE ESSENTIAL CONTINUITY OF SOUTH AFRICAN POLICY. IT HAS ALWAYS BEEN A MIXTURE OF STICK AND CARROT.

13. IN GENERAL IT IS LIKELY THAT THE SOUTH AFRICANS ARE FEELING EVEN MORE ISOLATED THAN USUAL, THAT BECAUSE OF THE TROUBLES IN THE TOWNSHIPS, PARTICULARLY IN THE EASTERN CAPE, THEY ARE ALSO FRUSTRATED AND PERHAPS EVEN A LITTLE RATTLED. P W BOTHA REGARDS IT AS ESSENTIAL TO RESTORE CONFIDENCE AT HOME, DESPITE THE PROBABILITY OF SERIOUS INTERNATIONAL REACTIONS TO RECENT EVENTS. IT WOULD BE A MISTAKE TO SEE THE CABINDA AND GABORONE RAIDS, AND THE NEW ADMINISTRATION IN NAMIBIA AS A NEW INITIATIVE. ALL ARE CONSISTENT WITH PREVIOUS POLICY.

MOBERLY

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SOUTHERN AFRICA

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MR J R J JOHNSON

CABINET OFFICE

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SOUTHERN AFRICA

<sup>4</sup>  
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DESKBY BOTH ADDRESSEES 1430Z  
FM GABORONE 181345Z JUNE 1985  
TO IMMEDIATE FCO  
TELNO 123 OF 18 JUNE 1985  
AND TO IMMEDIATE CAPETOWN

RESTRICTED

*This could  
give no  
additional  
problems.  
- CDD*

SOUTH AFRICAN RAID

1. BOTSWANA HAS GIVEN US A LIST OF THE DEAD WITH THE INDICATION, FOR THE FIRST TIME, THAT ONE OF THEM, BASI AMOS ZONDI, HOLDS A BRITISH PASSPORT. HE WAS NOT REGISTERED WITH US BUT WE HAD ISSUED A PASSPORT TO HIM AS A BRITISH OVERSEAS CITIZEN (BOC) IN REPLACEMENT OF ONE ISSUED IN LUSAKA WHICH HE HAD LOST.
2. HIS CLAIM TO CITIZENSHIP IS THAT HE REGISTERED UNDER SECTION 6(H) OF THE BNA 1984 IN SWAZILAND UNDER A SPECIAL NATIONALITY PROVISION WHEN SOUTH AFRICA LEFT THE COMMONWEALTH IN 1962. AT THAT TIME HE AS A BS:CUKC AND IN THE NEW ACT HE BECAME A BOC.
3. HE WAS BORN IN CAPE PROVINCE ABOUT 64 YEARS AGO. HE IS SAID TO HAVE LEFT THE CAPE FOR ZAMBIA IN THE EARLY 1950S. WHILST THERE HE MARRIED AND DIVORCED A THANDIE RANKOE WHO IS SAID TO BE A PROMINENT MEMBER OF THE ANC AND WHO NOW ALSO LIVES IN BOTSWANA. HE DID NOT (NOT) REMARRY AND WE KNOW OF NO CLOSE KIN.
4. WE DO NOT (NOT) KNOW THE INS AND OUTS OF THE LATEST SOUTH AFRICAN NATIONALITY LEGISLATION BUT NTD MAY BE ABLE TO SAY WHETHER HE IS ALSO A CITIZEN OF SOUTH AFRICA.
5. HE WAS NOT (NOT) OFFICIALLY A SOUTH AFRICAN REFUGEE, AS PREVIOUSLY STATED. HE WAS HERE AS AN IMMIGRANT ON A BRITISH PASSPORT. WE DO NOT (NOT) KNOW OF ANY ANC CONNECTION BUT HAVE NOT HAD TIME TO MAKE MANY ENQUIRIES.
6. MR ZONDI WAS THE ONE WHO LIVED NEXT DOOR TO ONE OF THE HOUSES THAT WERE BLOWN UP. HE WAS SHOT WHEN HE RAN OUT INTO THE STREET. HE WAS NOT ONE OF THE S A TARGETS.

JONES

SOUTHERN AFRICA  
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10 DOWNING STREET

17 June, 1985

*From the Private Secretary*

Dear Len,

SEMINAR ON POLICY TOWARDS SOUTH AFRICA

BF

||

The Prime Minister wishes to hold a seminar on policy towards South Africa. The seminar would take place in September, probably on 13 September at Chequers, and would follow the normal pattern for such seminars. We have not yet settled whether it would be a whole day seminar or whether half the day should be devoted to another foreign policy topic, probably the Middle East.

The purpose of the seminar would be to examine our current policy towards South Africa, the sort of pressures to which we are likely to be subject in coming months (including at CHOGM) and our response to them. The sort of questions which the Prime Minister would want the seminar to cover are:

- what is a realistic forecast of the pace of dismantling the objectionable features of apartheid - bearing in mind that it has already gone a good deal further and faster than seemed likely only a couple of years ago?
- what would we actually regard as sufficient change to make South Africa "acceptable"? Would our criteria for what is "acceptable" be deemed sufficient by other industrialised countries?
- to what extent will the changes taking place in South Africa, together with South Africa's success in building relations with its neighbours, diminish pressures in black Africa and among third world opinion generally for sanctions?
- what explains the apparent increase in public and congressional pressures in the United States and some other industrialised countries for measures against South Africa, at the very moment when internal changes are at last taking place there and black African countries' obsession with South Africa may be declining? How long are these pressures likely to persist? And what can we do to deflect and diminish them?

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Handwritten initials/signature

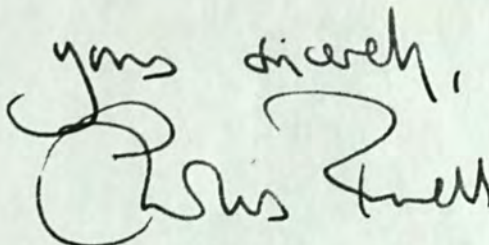


- to what extent can Britain influence developments within South Africa itself? Ought we to swim against the international tide by strengthening contacts with the South African Government in the hope of exercising influence through friendly persuasion? Or should we go the other way by reducing existing contacts in the hope that a uniformly cold and hostile attitude on the part of the industrialised countries would leave South Africa no alternative but to make the desired changes?
- we want to avoid being in an isolated position in our dealings with South Africa. What would be the elements of a policy round which we could hope to unite key countries such as the US and Germany?
- in the light of our conclusions on these questions, is there scope for significant changes in UK policy towards South Africa? Do we have to go on denying ourselves the possibility of defence sales? Or, if we have to tighten up rather than relax our policy, what measures would cause the least damage and help fend off pressure for full economic sanctions? Additional conditions on British firms investing and operating in South Africa?

You will, I am sure, think of many others.

The Prime Minister would like a discussion paper to be prepared for the seminar by the FCO in consultation with the DTI and Treasury which should be available by 25 July if possible. She may commission a further paper or papers, for instance from the Centre for Policy Studies.

The Prime Minister would welcome suggestions for participation in the seminar. We should aim for a total of twenty drawn from Ministers, government backbenchers, businessmen, academic experts and officials. It would be helpful to have suggestions by 1 July.

Yours sincerely,  


(C.D. Powell)

L. Appleyard, Esq.,  
Foreign and Commonwealth Office



PS  
PS/MR RIFKIND  
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MR JOHNSON  
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MR CLG MALLABY , CABINET OFFICE

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TO IMMEDIATE FCO

TELNO 111 OF 14 JUNE 1985

INFO IMMEDIATE CAPE TOWN, WASHINGTON AND UKMIS NEW YORK.

INFO PRIORITY HARARE, LUSAKA, MASERU, MBABANE, MAPUTO AND LUANDA.

SOUTH AFRICAN RAID ON GABORONE

1. FOLLOWING CONFIRMS TELECONS REEVE/JONES.

S U M M A R Y

2. SOUTH AFRICAN FORCES TRAVELLING IN MINI-BUSES AND MILITARY VEHICLES ATTACKED SEVERAL WIDELY SEPARATED HOUSES IN GABORONE BETWEEN 0140 AND 0200 THIS MORNING. TWELVE DEAD AND SEVERAL SERIOUSLY INJURED.

D E T A I L

3. DR CHIEPE BRIEFED HEADS OF DIPLOMATIC MISSIONS ON THE RAIDS. SHE SAID THAT SOME OF THE SOUTH AFRICAN RAIDING FORCE HAD CROSSED INTO BOTSWANA DURING THE NIGHT, OTHERS ARE BELIEVED TO HAVE CROSSED THE PREVIOUS DAY. THE MAIN ATTACKS TOOK PLACE AT ABOUT 0140 HOURS AT SEVERAL DIFFERENT PLACES IN GABORONE SUBURBS (THOUGH WE HAVE HEARD REPORTS OF FIRING AS EARLY AS 0100 HOURS). NOT ONLY DID THEY ATTACK SEVERAL HOUSES OF SOUTH AFRICAN REFUGEES BUT THEY SHOT AT CARS OF INNOCENT PEOPLE LEAVING ONE OF THE HOTELS



NOT ONLY DID THEY ATTACK SEVERAL HOUSES OF SOUTH AFRICAN REFUGEES BUT THEY SHOT AT CARS OF INNOCENT PEOPLE LEAVING ONE OF THE HOTELS (WE HAVE SEPARATE FIRST-HAND REPORTS OF CARS BEING SHOT AT, INCLUDING ONE BEING COMPLETELY DESTROYED, AT THAT SPOT, THOUGH THE WITNESSES DID NOT KNOW WHERE THE SHOTTING CAME FROM). TWELVE PEOPLE HAVE DIED (PRESS REPORTS SAY THEY INCLUDE A CHILD) - NINE SOUTH AFRICANS, ONE DUTCH AND TWO FEMALE BATSWANA. AND A NUMBER WERE STILL IN HOSPITAL. (SINCE THE LAST TELECON WE HAVE HEARD THAT ONE BRITISH CITIZEN WAS VERY SLIGHTLY INJURED BY SHRAPNEL WHEN SHE WENT OUTSIDE CLOSE BY ONE OF THE INCIDENTS).

4. THE

4. THE BOTSWANA DEFUSED SOME BOMBS. WITHIN THIRTY MINUTES THE BDF HAD MOUNTED ROAD BLOCKS, BUT CAUGHT NOBODY.

5. DR CHIEPE RECALLED THAT WHEN SHE MET PIK BOTHA LAST FEBRUARY HE HAD ASSURED HER THAT THE SOUTH AFRICANS BELIEVED THE BATSWANA WHEN THEY MAINTAINED THAT THEY DID NOT ALLOW THEIR COUNTRY TO BE USED AS A BASE FOR ATTACKING NEIGHBOURS. IMMEDIATELY BEFORE THAT MEETING A BOMB HAD BLOWN UP A HOUSE OCCUPIED BY SOUTH AFRICAN REFUGEES IN A GABORONE SUBURB. MORE RECENTLY A CAR BOMB HAD KILLED A SOUTH AFRICAN REFUGEE AND, BUT FOR THE ACCIDENT OF TIMING OF THE EXPLOSION COULD EASILY HAVE KILLED CHILDREN GOING TO AND FROM A NEARBY PRIMARY SCHOOL. BOTSWANA HAD NOT SPECIFICALLY ACCUSED THE SOUTH AFRICANS OF THOSE INCIDENTS BUT EVERYTHING POINTED TO THEM. NOW THE SOUTH AFRICANS WERE PROCLAIMING WITH PRIDE THEIR ACCOMPLISHMENT OF THIS MISSION. IF THEY COULD VIOLATE SOVEREIGNTY IN CABINDA AND NOW IN GABORONE WHAT HOPE WAS THERE? BOTSWANA THINK THAT THERE WILL BE MORE SUCH ATTACKS (LATEST NEW REPORT FROM SOUTH AFRICA STATE THAT THE SADF PREDICT THEM).

6. IN ANSWER TO QUESTIONS DR CHIEPE SAID THAT THE PRESIDENT HAD NOT YET BEEN CONSULTED ABOUT WHETHER TO RAISE THIS IN THE UNITED NATIONS. HE HAS BEEN ON TOUR AND IS EXPECTED BACK IN GABORONE WITHIN THE HOUR. ON PIK BOTHA'S STATEMENT AFTER THE RAID THAT BOTSWANA HAD FAILED TO TAKE ACTION SINCE THEIR FEBRUARY MEETING, DR CHIEPE SAID THAT THEY HAD HAD NO INDICATION FROM THE SOUTH AFRICANS THAT THEY WERE DISSATISFIED (AND WE KNOW FROM OTHER SOURCES THAT THE BATSWANA HAVE REMOVED A NUMBER OF SOUTH AFRICAN REFUGEES WHOM THE SOUTH AFRICANS WANTED OUT). SHE SAID THAT IN FACT PIK BOTHA HAD WRITTEN TO HER ABOUT A WEEK AGO PROPOSING ANOTHER MEETING AND SUGGESTING DATES AND THAT ONLY YESTERDAY, THE DAY BEFORE THE RAID, HAD A DATE BEEN FIXED. DR CHIEPE ALSO MAINTAINED THAT THE SOUTH AFRICANS HAD NOT SUBSTANTIATED WITH THEM THE ALLOCATION THAT 36 ACTS OF TERRORISM AND VIOLENCE HAD BEEN PLANNED AND EXECUTED FROM BOTSWANA. SHE RIDICULED THAT THE PLACING OF RESPONSIBILITY ON BOTSWANA WHEN SOME OF THE ATTACKERS HAD MANAGED TO THROUGH TO CAPE TOWN WITHOUT THE SOUTH AFRICANS THEMSELVES BEING ABLE TO DETECT THEM.

#### C O M M E N T

7. SO FAR WE HAVE SEEN ONLY A FEW OF THE NAMES OF THE DEAD



7. SO FAR WE HAVE SEEN ONLY A FEW OF THE NAMES OF THE DEAD AND INJURED. NONE OF THEM HAVE BEEN IDENTIFIED BY US AS PEOPLE ON THE SOUTH AFRICAN LIST OF UNDESIRABLES, BUT I AM TRYING TO GET CONFIRMATION FROM THE BATSWANA. IF NONE OF THEM WERE, THERE IS A STRONG SUGGESTION THAT THIS WAS A REPRISAL RAID AND NOT A RAID ON TOP ANC TARGETS. THE RAID WILL ALSO HAVE THE EFFECT OF RESSURIZING THE BOTSWANA GOVERNMENT TO MOVE ALL SOUTH AFRICAN REFUGEES OUT OF GABORONE.

JONES

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GRS 470  
UNCLASSIFIED  
FM CAPE TOWN 140755Z JUN 85  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 215 OF 14 JUNE 1985  
INFO IMMEDIATE PRETORIA, WASHINGTON, GABORONE, UKMYS NEW YORK

*Woods on it*  
*the PLO are not training*  
*for international terrorism -*  
*I see no possibility of receiving here*  
*anyone representing them - even a mixed delegation*

TELECON ARCHER/RESIDENT CLERK: SOUTH AFRICAN RAID ON GABORONE

SUMMARY

1. APPROACHED FOR COMMENT BY THE SABC ABOUT THIS MORNING'S (14 JUNE) SADF RAID ON GABORONE, SA FOREIGN MINISTER, PIK BOTHA, SAID THE BOTSWANA GOVERNMENT HAD BEEN WARNED REPEATEDLY BY THE GOVERNMENT AND OTHER SOUTH AFRICAN AUTHORITIES TO CURTAIL THE ACTIVITIES OF THE ANC INSIDE BOTSWANA.

DETAIL

2. TEXT OF PIK BOTHA'S COMMENTS IS AS FOLLOWS:  
BEGINS:

PIK BOTHA SAID THE BOTSWANA GOVERNMENT HAD BEEN WARNED REPEATEDLY BY THE GOVERNMENT AND OTHER SOUTH AFRICAN AUTHORITIES TO CURTAIL THE ACTIVITIES OF THE ANC INSIDE BOTSWANA, AND IN PARTICULAR THE PLANNING AND EXECUTION OF TERRORIST ACTIVITIES IN SOUTH AFRICA FROM BOTSWANA. MOREOVER, THE BOTSWANA GOVERNMENT, ON A NUMBER OF OCCASIONS, HAD HAD ITS ATTENTION DRAWN TO THE INFILTRATION OF ANC TERRORISTS INTO SOUTH AFRICA FROM OTHER COUNTRIES THROUGH BOTSWANA TERRITORY. THE BOTSWANA GOVERNMENT HAD BEEN REQUESTED TO TAKE APPROPRIATE STEPS TO PREVENT SUCH INFILTRATION.

3. PIK BOTHA REFERRED TO A DISCUSSION AT JAN SMUTS AIRPORT ON 21 APRIL 1983 BETWEEN HIMSELF AND THE FORMER BOTSWANA FOREIGN MINISTER, MR ARCHIE MOGWE. HE SAID THAT MR MOGWE HAD BEEN GIVEN A LIST OF NAMES OF ANC TERRORISTS IN BOTSWANA TOGETHER WITH AN INDICATION OF THEIR PARTICIPATION IN THE PLANNING AND INTENDED EXECUTION OF VIOLENCE IN SOUTH AFRICA. MR MOGWE HAD BEEN URGED TO TAKE APPROPRIATE ACTION. IN MARCH 1984 THE BOTSWANA GOVERNMENT HAD ACCEPTED A SOUTH AFRICAN PROPOSAL THAT THE SECURITY FORCES OF THE TWO COUNTRIES WOULD DESIGN MEASURES TO PREVENT THE PLANNING AND EXECUTION OF ACTS OF VIOLENCE, SABOTAGE AND TERRORISM AGAINST EACH OTHER. PIK BOTHA REFERRED TO A PUBLIC STATEMENT HE MADE IN SEPTEMBER 1984 IN RESPONSE TO CERTAIN REMARKS ATTRIBUTED TO PRESIDENT MASIRE OF BOTSWANA. HE SAID THE GOVERNMENT OF BOTSWANA HAD NOT BEEN ABLE TO REACH AN ACCEPTABLE UNDERSTANDING WITH THE SOUTH AFRICAN GOVERNMENT ON THE COMBATING OF AZERFF TERROR IN SOUTH AFRICA FROM BOTSWANA TERRITORY. PIK BOTHA THEREFORE ISSUED A WARNING THAT SOUTH AFRICA RESERVED THE RIGHT TO TAKE STEPS TO PREVENT ACTS OF TERROR AND SABOTAGE FROM BEING PLANNED AND EXECUTED FROM NEIGHBOURING STATES.



4. PIK BOTHA SAID THAT FROM AUGUST 1984 THE ANC HAD BEEN RESPONSIBLE FOR 36 ACTS OF TERROR AND VIOLENCE WHICH HAD BEEN PLANNED AND EXECUTED FROM BOTSWANA. DURING THIS PERIOD 6 PERSONS HAD BEEN MUDERED AND EXTENSIVE DAMAGE HAD BEEN CAUSED TO A POWER STATIBN NEAR RUSTENBERG AND THE PROPERTIES OF SOUTH AFRICANS. HE SAID THE PALESTINE LIBERATION ORGANISATION HAVE FOR SOME TIME PLAYED AN IMPORTANT ROLE IN THE TRAINING OF ANC TERRORISTS. THE GRENADE ATTACK ON THE DEPUTY MINISTER-DESIGNATE, MR LUWELLYN LANDERS, AND THE NATIONAL SECRETARY OF THE LABOUR PARTY, MR FRED PIETERS, HAD FOLLOWED A TYPICAL PLO PATTERN. PIK BOTHA POINTED OUT THAT PEACE AND STABILITY IN SOUTHERN AFRICA COULD ONLY BE MAINTAINED IF TERRORISTS AND THEIR SUPPORTERS INTENT ON THE OVERTHROW BY FORCE OF A SOVEREIGN FGOVERNMENT WERE NOT (NOT) HARBOURED IN THE TERRITORY OF A NEIGHBOURING SOVEREIGN STATE WITH OR WITHOUT THAT STATE'S KNOWLEDGE OR CONSENT. PIK BOTHA SAID IT WAS FOR THIS REASON THAT HE ONCE AGAIN MADE AN EARNEST APPEAL TO THE BOTSWANA GOVERNMENT TO GIVE URGENT ATTENTION TO THE PROBLEM WITH A VIEW TO REACHING AN UNDERSTANDING ON SOME EFFECTIVE AND PRACTICAL ARRANGEMENT BETWEEN THE SECURITY FORCES OF THE TWO COUNTRIES TO ENSURE THAT THE TERRITORY OF NEITHER WAS USED FOR THE PLANNING OR EXECUTION OF ACTS OF TERRORISM OR SABOTAGE AGAINST THE OTHER.

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TO IMMEDIATE MODUK  
TELNO. 1557 OF 14 JUNE 1985  
INFO IMMEDIATE CAPE TOWN, FCO, GABORONE

FROM DA  
FOR DI ROW 2

SOUTH AFRICAN RAID INTO BOTSWANA  
FURTHER TO MY TEL 1556 OF 14 JUNE (NOT TO GABORONE)

1. THE FOREIGN MILITARY ATTACHES IN PRETORIA WERE GIVEN A BRIEFING ON THE SOUTH AFRICAN RAID INTO BOTSWANA AT 1200B TODAY. BRIEFING OFFICERS WERE BRIGADIER VAN DER WAALS FROM THE DEPARTMENT OF MILITARY INTELLIGENCE AND BRIGADIER STADTLER OF THE SECURITY POLICE.

2. THE OPERATION WAS AN EXTREMELY WELL PLANNED AFFAIR EXECUTED BY THE SADF ON DETAILED INTELLIGENCE PROVIDED BY THE SECURITY POLICE. TROOPS WERE VEHICLE MOUNTED AND CONSISTED OF APPROXIMATELY 120 SPECIAL FORCES AND 16 POLICEMEN.

3. THE TIMING OF THE OPERATION WAS DECIDED BY THE RECENT GRENADE ATTACKS ON GOVERNMENT MINISTERS HOUSES IN CAPE TOWN AND ON INFORMATION THAT NUMEROUS ATTACKS WERE TO BE MADE IN SOUTH AFRICA TO COINCIDE WITH SOWETO DAY ON 16 JUNE.



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THAT NUMEROUS ATTACKS WERE TO BE MADE IN SOUTH AFRICA TO COINCIDE WITH SOWETO DAY ON 16 JUNE.

4. BRIEFING OFFICERS CLAIMED THAT THE OPERATION WAS EXTREMELY SUCCESSFUL AND THAT 13 ANC TERRORISTS HAD BEEN KILLED INCLUDING 3 WOMEN. TARGETS INCLUDED 2 WHITES MIRZA RAJEE ALIAS DANIEL SIMMONS AND MIKE HAMLYN. IT IS BELIEVED THE LATTER WAS KILLED.

5. BRIEFING OFFICERS WERE UNCONVINCING THAT THOSE KILLED WERE ACTUALLY TERRORISTS. THEY ADMITTED THAT IT WAS DIFFICULT TO MAKE POSITIVE IDENTIFICATIONS IN THE DARK. THEY REGRETTED WOUNDING 2 WOMEN AND 2 CHILDREN (ONE CHILD SUBSEQUENTLY DIED) WHO WERE CAUGHT IN THE CROSS FIRE. THEY HAD BEEN AT PAINS TO AVOID TARGETS WHERE INNOCENT PEOPLE MIGHT BE UNWITTINGLY INVOLVED. AN SADF SOLDIER HAD BEEN SLIGHTLY WOUNDED.

6. DURING THE WITHDRAWAL, AN UNIDENTIFIED VEHICLE HAD PULLED IN FRONT OF THE SADF VEHICLES AND FIRE WAS EXCHANGED. TWO UNIDENTIFIED MEN HAD BEEN KILLED.

7. THERE WAS NO COLLUSION BETWEEN THE BOTSWANA GOVERNMENT OR THE BOTSWANA POLICE AND THE SOUTH AFRICAN GOVERNMENT OR SAP BEFORE THE OPERATION.

8. DETAILED REPORT OF BRIEFING TO MODUK BY NEXT BAG.

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FM PRETORIA 140915Z JUNE 1985  
TO IMMEDIATE MODUK  
TELNO. 1556 OF 14 JUNE 1985  
INFO IMMEDIATE FCO  
INFO ROUTINE CAPE TOWN

FROM DA  
FOR DI ROW 2

SOUTH AFRICAN RAID INTO BOTSWANA

1. CSADF, GENERAL CONSTANT VILJOEN, ANNOUNCED IN PRETORIA EARLY TODAY THAT 10 ANC TARGETS IN BOTSWANA HAD BEEN ATTACKED AND DESTROYED DURING THE NIGHT BY SMALL ELEMENTS OF THE SADF. THE DEFENCE FORCE ELEMENTS HAD RETURNED SAFELY TO SOUTH AFRICA. ONE MEMBER OF THE SADF HAD BEEN WOUNDED IN THE OPERATION BUT HIS CONDITION WAS SATISFACTORY.
2. CSADF SAID THE ANC TARGETS WERE HOUSES AND OFFICES SPREAD THROUGHOUT GABARONE IN SUCH A WAY THAT THE ANC COULD HIDE AND SHELTER AMONG THE NORMAL RESIDENTIAL AND BUSINESS SUBURBS OF THE CITY. FROM THESE SHELTERS THE APPARENTLY PEACEFUL INHABITANTS FORMED THE CONTROL CENTRE OF THE TRANSVAAL SABOTAGE ORGANISATION OF THE ANC.
3. HE EMPHASISED THAT THE OPERATION HAD NOT BEEN DIRECTED AT THE GOVERNMENT OF NOTSWANA OR ITS PEOPLE BUT AT CLEARLY IDENTIFIED MILITANT ANC TERRORISTS. HE SAID THESE TERRORISTS HAD ACTIVELY PARTICIPATED IN THE PLANNING AND EXECUTION OF VIOLENCE AND MURDER IN SOUTH AFRICA. RECENT ANC ACTIONS AND THE LATEST ATTACKS ON POLITICAL LEADERS IN THE CAPE HAD BEEN PLANNED AND EXECUTED FROM THE TARGETS.
4. THERE IS TO BE A MILITARY BRIEFING FOR FOREIGN MILITARY ATTACHES ON THE RAID AT 1200B TODAY.

TONKIN

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FM CAPE TOWN 031210Z JUN 85

TO IMMEDIATE FCO

TELEGRAM NUMBER 195 OF 3 JUNE

INFO PRIORITY LUANDA, WASHINGTON, NEW YORK

MY TELNO 188: CABINDA INCIDENT

SUMMARY

1. WORST CASUALTY OF THE RAID SO FAR APPEARS TO BE ITS EFFECT ON RELATIONS BETWEEN SOUTH AFRICA AND THE UNITED STATES. IN AN ATTEMPT TO SALVAGE SOMETHING FROM THE INCIDENT THE AMERICANS ARE PRESSING FOR A POSITIVE SOUTH AFRICAN RESPONSE TO THE DISCUSSION PAPER PRESENTED EARLIER BY CROCKER TO BOTH SOUTH AFRICANS AND ANGOLANS.

DETAIL

2. CONSEQUENCES OF THE INTERCEPTED SADF MISSION NEAR CABINDA ARE STILL BEING DIGESTED HERE. BUT THE BALANCE SHEET IS A DEPRESSING ONE:

(A) THE GOVERNMENT HAVE HAD AN UNCOMFORTABLE TIME EXPLAINING WHY SOUTH AFRICAN SOLDIERS WERE OPERATING IN NORTHERN ANGOLA. THEY HAVE BEEN STRONGLY CRITICISED BY THE OPPOSITION THOUGH THE WORST OF THE DOMESTIC STORM MAY BE OVER.

(B) OBVIOUSLY THEY HAVE INFURIATED THE ANGOLANS AND HAVE COMPLICATED THE US-LED NEGOTIATIONS.

(C) THEY HAVE PROBABLY UNSETTLED OTHER NEIGHBOURS WHO WILL BE WONDERING IF THE SOUTH AFRICANS ARE UP TO SIMILAR TRICKS ELSEWHERE.

(D) THEY HAVE GIVEN THE NON-ALIGNED A HANDLE WITH WHICH TO CALL FOR MEASURES AGAINST SOUTH AFRICA AT THE UNITED NATIONS.

(E) ABOVE ALL THEY HAVE BADLY UPSET THE US ADMINISTRATION AND ADDED NEW IMPETUS TO THE DISINVESTMENT CAMPAIGN IN THE UNITED STATES.

3. ON THE DOMESTIC FRONT, THE OPPOSITION'S MAIN THRUST HAS BEEN TO ACCUSE THE GOVERNMENT OF MISLEADING PARLIAMENT AND OF UNDERMINING THE GOVERNMENT'S OWN CREDIBILITY BY HAVING TO ADMIT TO A MILITARY OPERATION IN NORTHERN ANGOLA AFTER INSISTING THAT THE SADF HAD WITHDRAWN FROM ANGOLA. NEVERTHELESS MOST SUPPORTERS OF THE GOVERNMENT SEEM PREPARED TO ACCEPT THE STORY (EVIDENCE FROM THE CAPTURED SOUTH AFRICAN SOLDIER NOT WITHSTANDING) THAT THE RAIDING PARTY WAS SENT ON A RECONNAISSANCE AGAINST ANC/SWAPO CAMPS WHICH ARE WIDELY REGARDED HERE AS LEGITIMATE TARGETS. THERE IS A TENDENCY IN ANY CASE FOR OPINION TO RALLY BEHIND THE GOVERNMENT WHEN QUESTIONS OF NATIONAL SECURITY ARE AT ISSUE.

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4. IN REALITY THE RAID MUST BE CONSIDERED AT BEST A MIS-CALCULATION, AT WORST A CYNICAL ATTEMPT TO DESTABILISE THE ANGOLAN REGIME. AS SUCH IT MAY BE A RELIC OF EARLIER SOUTH AFRICAN POLICIES. IT PROMPTS QUESTIONS ABOUT EARLIER INCIDENTS CLAIMED BY UNITA INCLUDING THE MID JULY 1984 OIL PIPELINE EXPLOSION IN CABINDA AND THE LIMPET MINE ATTACK IN LUANDA HARBOUR IN LATE JULY. THE SADF HAVE THE CAPABILITY FOR SUCH LONG-RANGE OPERATIONS. NOBODY IS PRETENDING THAT THE CABINDA RAID WAS MOUNTED WITHOUT FULL POLITICAL CLEARANCE. THE AIM MAY HAVE BEEN TO TRY TO FORCE THE MPLA TO THE NEGOTIATING TABLE WITH UNITA BUT AN ATTACK ON A GULF INSTALLATION, IF THAT WAS WHAT WAS PLANNED, THREATENED US AS WELL AS ANGOLAN INTERESTS. FOR THE GOVERNMENT TO HAVE FAILED TO ALLOW ADEQUATELY FOR THE DISASTROUS CONSEQUENCES OF IT GOING WRONG CAN ONLY BE REGARDED AS MISJUDGEMENT AND AN UNCOVENANTED BONUS FOR THEIR CRITICS.

5. MY US COLLEAGUE CONFIRMS THAT THE CABINDA INCIDENT WILL HAVE GIVEN FRESH IMPETUS TO THE DISINVESTMENT LOBBY IN WASHINGTON. IT WILL ALSO BE USED BY OPPONENTS OF CONSTRUCTIVE ENGAGEMENT TO DISCREDIT THE ADMINISTRATION'S POLICY. IT WILL BE SEEN AS INDICATING THAT THE SOUTH AFRICANS ARE PREPARED TO TAKE THE LAW INTO THEIR OWN HANDS AND THAT THEY CANNOT BE TRUSTED. NICKEL SAID THAT SOUTH AFRICAN EXPLANATIONS WOULD NOT BE BELIEVED. THE RAID IMPLIED THAT THE SOUTH AFRICANS WERE STILL BACKING SAVIMBI TO WIN IN ANGOLA. IT COULD ALSO PUT MACHEL ON THE SPOT.

6. NICKEL TOLD ME THAT HE HAD SEEN PIK BOTHA THREE TIMES LAST WEEK FOLLOWING THE CABINDA INCIDENT TO REGISTER US REACTIONS IN THE STERNEST TERMS. HE IS SEEING HIM AGAIN TODAY IN PRETORIA. (WE GATHER FROM THE AMERICAN EMBASSY THAT THE SOUTH AFRICANS HAVE SO FAR STUCK TO THEIR STORY ABOUT AN OPERATION AGAINST THE ANC.) NICKEL HAS BEEN INSTRUCTED TO PRESS STRONGLY FOR A POSITIVE REPLY TO THE DISCUSSION PAPER PRESENTED BY CROCKER TO BOTH THE SOUTH AFRICANS AND THE ANGOLANS A FEW WEEKS AGO. HE WOULD MAKE IT CLEAR THAT THE ONLY WAY OF RECOVERING GROUND LOST BY THE SOUTH AFRICAN RAID WAS FOR THEM NOW TO HELP THE AMERICANS MAKE PROGRESS IN THEIR NEGOTIATIONS ON ANGOLA/NAMIBIA. THE IMPORTANCE FOR WASHINGTON OF A POSITIVE SOUTH AFRICAN MOVE COULD NOT BE OVER-EMPHASISED.

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17. LAST WEEK PIK BOTHA WAS REPORTED AS SAYING THAT THE LUANDA GOVERNMENT HAD INFORMED SOUTH AFRICA THROUGH US CHANNELS OF ITS INTENTION TO BREAK OFF NEGOTIATIONS WITH SOUTH AFRICA. ACCORDING TO THE US AMBASSADOR, THIS WAS A MISLEADING GLOSS ON A PRIVATE MESSAGE WHICH THE AMERICANS HAD INDEED PASSED ON FROM THE ANGOLANS. THE AMERICANS WERE CONCERNED THAT THIS MISINTERPRETATION MIGHT BE DELIBERATE. THE MESSAGE HAD SAID THAT THE ANGOLANS HAD STATED THAT THE CABINDA INCIDENT MADE IT IMPOSSIBLE FOR THEM TO HAVE FURTHER DIRECT MEETINGS WITH THE SOUTH AFRICANS. BUT THEY WERE CERTAINLY NOT BREAKING OFF NEGOTIATIONS. ON THE CONTRARY, THE ANGOLANS WERE PERFECTLY WILLING FOR CROCKER TO CONTINUE IN HIS NEGOTIATING ROLE BETWEEN THE TWO PARTIES. HENCE WASHINGTON'S RATHER DESPERATE ATTEMPT TO SCREW A HELPFUL MOVE OUT OF THE SOUTH AFRICANS IN ORDER TO SALVAGE SOMETHING FROM THE CABINDA MESS.

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TELELETTER

FROM HMA, BRITISH EMBASSY, CAPE TOWN

NFR DATED 11 JUNE 1985

FOLLOWING FOR N J THORPE ESQ, SAFD, FCO

COPIES TO: D TONKIN ESQ CMG, BRITISH EMBASSY, PRETORIA  
C T BRANT ESQ CMG CVO, JOHANNESBURG (PTA PSE PASS)

SOUTH AFRICA: THREATS TO THE REGIME.

1. IN MY LETTER OF 7 JUNE I ATTEMPTED THE ASSESSMENT FOR WHICH YOU HAD ASKED ABOUT THE SHORT-TERM OUTLOOK. ON REREADING MY LETTER I NOTICE THAT THE PASSAGE ON BLACK MORALE (PARAGRAPH 10) MAY SEEM A BIT TOO SHORT AND COMPRESSED. OF COURSE WE HAVE ALSO DEALT WITH THIS ASPECT IN THE OPENING SECTION ON URBAN UNREST (PARAGRAPHS 2 TO 5). NEVERTHELESS BLACK MORALE IS A CRUCIAL FACTOR IN ANY ASSESSMENT AND I SHOULD PERHAPS ADD SOMETHING TO MY LETTER ON IT.

2. MAY I DRAW ATTENTION TO A LETTER FROM RICHARD THOMAS DATED 17 MAY (WHICH GRAHAM ARCHER HAS COPIED TO YOU WITH HIS LETTER OF 7 JUNE BY THE SAME BAG AS MY LETTER) GIVING THE VIEW FROM JOHANNESBURG, PARAGRAPHS 10 TO 15 OF WHICH CONTAIN SOME USEFUL INSIGHTS INTO THE CURRENT STATE OF FEELING AMONG BLACKS. IT BRINGS OUT THE CONSIDERABLE MIXTURE OF EMOTIONS TO BE FOUND, BUT ABOVE ALL THE WIDELY-HELD SENSE OF FRUSTRATION AND SHARPENING OF POLITICAL AWARENESS AMONG BLACKS AS A RESULT OF RECENT DEVELOPMENTS. IT HIGHLIGHTS THE GROWTH OF MILITANCY, EVEN THOUGH MOST OF THE BLACK COMMUNITY IS AGAINST VIOLENCE IN PRINCIPLE, PLUS THE WIDESPREAD SCEPTICISM ABOUT REFORMS NOW ON OFFER FROM THE GOVERNMENT. WHILST DESCRIBING ATTITUDES IN THE TOWNSHIPS AROUND JOHANNESBURG, MUCH THE SAME COULD BE SAID ABOUT TOWNSHIPS IN THE EASTERN CAPE.

3. IN SUM, THE PICTURE OF BLACK MORALE IS AS FOLLOWS:

- (A) CONTINUING EFFECTS BEING FELT OF THE ECONOMIC RECESSION.
- (B) UNDERLYING ISSUES SEEN AS JOBS, HOUSING AND EDUCATION, ALL OF WHICH ACCENTUATE THE SENSE OF DEPRIVATION OVER POLITICAL RIGHTS.
- (C) GENERAL REJECTION OF GOVERNMENT-INTRODUCED LOCAL COUNCILS IN THEIR PRESENT FORM.
- (D) GROWING MILITANCY AMONG THE YOUNG WHICH IS FELT THROUGHOUT THE BLACK COMMUNITY AS A WHOLE.
- (E) EXPECTATIONS AROUSED BY TALK OF REFORMS AS YET LARGELY UNFULFILLED.
- (F) THE MORE THAT THE GOVERNMENT INTRODUCES MINOR CHANGES, THE MORE THESE ARE SEEN AS EMPHASISING THE REMAINING INADEQUACIES FROM WHICH BLACKS SUFFER.

4. AS FOR THE NEXT 3 OR 4 YEARS, BLACK ATTITUDES ARE LIKELY TO DEPEND ON THE PROGRESS OF THE GOVERNMENT'S REFORM PROGRAMME, INCLUDING ATTEMPTS TO BRING LEADING BLACKS INTO A DIALOGUE SEMI-COLON SUCCESS OF MILITANTS IN NEGATING GOVERNMENT EFFORTS, ESPECIALLY AT LOCAL LEVEL SEMI-COLON EFFECTIVENESS OR OTHERWISE OF LAW AND ORDER SEMI-COLON AND OUTCOME OF RIVALRIES FOR LEADERSHIP OF BLACK COMMUNITIES BETWEEN COMPETING ORGANISATIONS. AT BEST BLACK MORALE CAN BE EXPECTED TO REMAIN AS BRUISED AND AGGRIEVED AS NOW. AT WORST, IT MAY BECOME MORE INFLAMED AND EVEN LESS SUSCEPTIBLE TO MANAGEMENT BY THE REGIME.

SIGNED P H MOBERLY



Mr. C Powell ✓



CDP  
26/6.

*With the compliments of*

THE PRIVATE SECRETARY

This is the letter ~~to~~  
Mr. E. Ferguson mentioned  
to you

AP. Robert Budd. 25/6

FOREIGN AND COMMONWEALTH OFFICE  
SW1A 2AH





BRITISH EMBASSY  
PARLIAMENT STREET, CAPE TOWN

7 June 1985

Nigel Thorpe Esq  
SAFD  
FCO

*Dear Nigel,*

**SOUTH AFRICA: THREATS TO THE REGIME**

1. In your teletype of 14 May you asked for comments on the threats facing South Africa within the next year to 18 months and also asked us to speculate on the outlook up to 1989 when the next elections are due. Neither task is simple because there are so many imponderables, not least the progress of the Government's reform programme on which so much depends (and on which my views were set out at length in my teletype of 26 March). But I think most of what we can now say may be expected to apply broadly to a three or four year timescale no less than to the immediate future. So we have not attempted to distinguish specifically between the two. All of it is essentially a short term view.

Urban Unrest

2. Sporadic outbursts of urban unrest are not a new problem for the South African Government. Most recently there were the major incidents of 1976 which took a couple of years to subside and then further problems, largely connected with schools, in 1980. Previous troubles have always had a staggered pattern with unrest breaking out in different areas at different times. One of the features of past months has been that tension and incidents have been more widespread and sustained than hitherto. However, serious trouble has still been restricted primarily to the Transvaal, the northern Orange Free State and the Eastern Cape. In contrast Natal and the Western Cape have been quiet, apart from disturbances of limited duration at Crossroads earlier this year. (Lack of unrest in Natal can be partly attributed to firm leadership exercised by Chief Buthelezi over the Zulus.) This pattern could well continue.

3. Apart from the traditional trouble-spots around Johannesburg, it is not easy to account for the geographical pattern of recent disturbances. The Eastern Cape however is a rather special case. The black urban community there is of longer standing than in most other regions of South Africa. Blacks were encouraged to settle with families at Port Elizabeth and nearby towns in the 1920s and 1930s to provide a labour force. This and the opportunity to benefit from relatively better schooling in the Eastern Cape left the region with an active and articulate black urban community. It is also an area

/with





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with long-standing social and economic problems and more recently an acute unemployment problem, accentuated by the economic depression. Its local police are amongst the most reactionary in South Africa. For these reasons the Eastern Cape has always appeared to be a potential flashpoint. The scale of incidents this year is the main current cause for Government concern.

4. Previous experience suggests that the unrest may persist for several months at more or less the present level, then exhaust itself even in the Eastern Cape. Comments made to us by parents, shop floor workers, drivers and other blacks with an established place in the local community all confirm that there is a widespread dislike of the violence. Indeed leaders of the United Democratic Front (UDF) have repeatedly assured us that they are opposed to violence which they see as counterproductive and are trying to restrain in the younger hotheads. It is nevertheless a fine dividing line between this attitude and the use of militant protest which they have actively exploited. The UDF and similar black organisations remain short of trained and committed leaders, and their relative inexperience is a further difficulty for them in sustaining the present level of unrest.

5. Nevertheless the political organisation provided by the UDF has been a new factor not present in earlier periods of tension. In providing an umbrella body for the constituent trade unions and other organisations that have affiliated to the front, the UDF have helped and encouraged activists to pursue the struggle. As time goes on we believe their organisational capacity will continue to improve. But this is likely to be a slow business, not least because the leadership will probably continue to be harried by the authorities even while the Government maintains its effort to bring "responsible" blacks into a dialogue. The UDF would have to make substantial strides in organisation and effectiveness before it could seriously threaten the Government's ability to control the situation.

#### White Morale

6. There is little doubt that morale among the whites has suffered recently, particularly in the Eastern Cape. Difficulties resulting from the economic downturn have in any case led to complaints about the Government's performance. These have been heightened by the breakdown of law and order in black townships in several parts of the country. The general sense of apprehension about future developments may help to account for an increase in the number of requests for British passports.

7. Hitherto any direct threat to whites had been minimal. The problems have been in black areas insulated by geographical separation from white areas under the Group Areas Act. The greatest threat of unrest spreading into white areas is where boundaries are adjacent particularly in industrial regions.

8. In general there is no sign of the black community wishing to turn on the whites. But there have been a few isolated incidents including the regular stoning of white cars in Grahamstown and the

/attacks





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attacks on two white drivers in Duduza in the Transvaal in circumstances which suggest that an element of the local population had set out to ambush and attack passing cars. Such incidents could spread on a modest scale although we do not believe that an intention to attack white areas is in the minds of the great majority of blacks at present.

9. Were there to be any substantial growth of such incidents, this would probably lead to rapidly mounting tension between the white and black communities and a backlash against the Government's pleas for managed change. We have been told that some farmers in the Eastern Cape who had not previously found it necessary to arm themselves are now regularly carrying weapons. The Government themselves are acutely aware of the risk of a white backlash against further moves to dismantle apartheid and to accommodate the blacks. This could lead to isolated violence being instigated by ultra-conservatives. But protests are more likely to remain political in character and in effect, and may be none the less significant for that.

#### Black Morale

10. Although there has been some satisfaction in UDF circles at the Front's ability to carry out sustained political protest there is a mixed reaction among blacks generally to recent developments. Evidence on the ground is that blacks continue to fear police action, that the great majority are still concerned with day to day problems of finding jobs and food for their families, and that the protests arise primarily from social and economic frustrations. Opinions within the black community are said to be fragmented, with no single group of leaders having local sway. Incidents between the rival black UDF and AZAPO movements are further confirmation of the divisions amongst blacks. There has been tension between the UDF and FOSATU unions, with members of the UDF criticising the unions for lack of commitment to the political struggle. It is hard to see this tendency to fragment changing much in the near future.

#### Unions

11. Most experts continue to consider the threat to the authorities from industrial action in pursuit of political gains to be a limited one, at least for the present. Trade unions have unquestionably become more politicised in recent years. But their capability to mount co-ordinated stoppages is inhibited by various factors:

- black unionisation is still only partially developed. Probably only a tenth of the black workforce is yet unionised and only about a quarter on the economically strategic mines;
- unions find it more difficult to operate in times of recession. Any regeneration of the economy will strengthen union bargaining power;
- the large reservoir of some three million unemployed black Africans particularly in the "homelands" enables management to replace a striking workforce quickly, e.g. the

/management





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management at the SASOL coal/oil installation were able to carry out mass dismissals after the November Transvaal stay-away;

- neither workers nor unions have resources to sustain long strikes. Most strikes are quickly over. Workers have to be convinced of the likelihood of financial benefits from striking or alternatively must be experiencing extreme tension and frustration as during last November's stay-away before they are ready to sacrifice pay or risk dismissal;
  - lack of unity within the trade union movement. This is partly an ideological split. The most effective industrial unions, notably those belonging to the Federation of South African Trade Unions (FOSATU) and the Council of Unions of South Africa (CUSA) eschew a leadership role on political or community issues, although they are sometimes prepared to lend support. This is in contrast to the so-called "community-based" unions who want unions to be in the vanguard of political agitation. Trade union unity will be enhanced by the eventual formation of a "super-federation" of between 300,000 and 400,000 members. Clearly such an organisation will be a potent force. But it is still likely to be led by those who argue that it is premature for trade union leaders to take the lead in organising for political reform. Eventually this may change, however, as unionisation among black Africans becomes more widespread and the trade union movement achieves greater organisational unity;
  - strikes are illegal in "essential services" such as municipal and government employment and in agriculture;
  - the Government clearly demonstrated their determination to keep politics out of industrial relations when they arrested prominent trade union leaders in the wake of the November Transvaal stay-away, and then they included four officials from the community-based South African Allied Workers' Union (SAAWU) in the current trial for treason of UDF members.
12. A general strike does not seem probable within the next two years or so. If one were attempted, there would be likely to be significant defections at an early stage. Nor would we expect the black community in the Transvaal to hold another successful two or three day stay-away from work again for many months. Without a major new issue to change matters, people in the townships are temporarily weary of proposals for stay-aways. Industrial action "on a scale to threaten economy and state" can therefore be ruled out for the moment. Politically-motivated industrial action widespread enough or sufficiently well-targetted to cause significant damage to the economy for a period is however possible as time goes on. Even then it is unlikely to be on a scale to threaten the functioning of the economy and/or the state.

#### Economic pressures

13. The threat of punitive American legislation coupled with continuing pressures on US firms not to do business with South Africa

/has





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has already contributed to the lowering of white morale. Barriers to South Africa's access to American financial resources are taken seriously. Nevertheless American loan capital seems unlikely to dry up: a source in the SA Reserve Bank has told us that American banks are already making dispositions to continue their South African business in a suitably disguised form. Disinvestment will if necessary be circumvented by those who have an interest in finding a way around any boycott. On the other hand lack of new investment and/or a run-down in the activity of American companies in South Africa may not only cause some retrenchment (they are reckoned to employ some 50,000 whites and 250,000 blacks) but will also result in a loss of technology transfer and job creation which business circles and the Government possibly regard as the more serious longer term consequence.

14. Pursuing strategic self-sufficiency has imposed a heavy burden on the economy. While this could be carried in years of rapid economic growth (no less than 8% in 1980), three years of deepening recession have served to expose a fabric of artificial pricing, over-subsidising and market manipulation which is now being increasingly questioned.

15. Failing the windfall of a surge in the gold price and in commodity prices generally, South Africa is bound to be faced with a difficult 12-18 months. Living standards will decline and the general rise in prices will bear particularly hard on the unemployed black.

16. The prevailing view is that the country's present economic difficulties, though serious, are manageable. The real dangers the country faces are longer term. They stem from the apparently inexorable demographic trends which will see a largely white, managerial, technological, tax-paying base supporting large numbers of low skilled blacks with rising economic expectations and not enough jobs to go round. But this is not likely to be a seriously destabilising factor within the next four years.

#### Pressures on the Police

17. For a country in which the police have often been given a major role, South Africa does not have a particularly large police force (roughly one policeman for every 500 people, which is less than in the UK). The Government are taking steps to increase the size of the force. The Minister of Law and Order recently announced plans for recruiting an additional 30,000 men over the next three years. Recruitment should not be a major problem given the high levels of unemployment. In some areas black local authorities have created their own police force with official encouragement.

18. In recent months the South African Police (SAP) have been severely stretched in some areas. We know they have used white recruits under training to help with cordon and search operations. In any case training appears inadequate for the role of maintaining law and order in urban areas. One point which has become clear

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from the judicial enquiry into the shooting of blacks at Uitenhage earlier this year is that the training provided was in many cases of the wrong type e.g. directed to rounding up terrorists rather than containing a mob. It also appeared that senior police officers had little grasp of the reality of problems on the ground and possibly inadequate political directives on what was and was not allowable action in support of crowd control, local tension, funeral marches etc. The police are hampered by the absence of training in community relations. These weaknesses have undoubtedly had some effect on white morale in the force. The shootings at Uitenhage appear to have resulted partly from inadequate control procedures by white officers who were disillusioned with their failure to stem growing disorders in the area. Moreover many police officers are temperamentally out of sympathy with the current drift of Government policy towards greater accommodation with the blacks.

19. We believe a few black policemen have resigned. The problem has been mainly the vulnerability of their homes and families to attacks by black activists. The SAP have responded by moving most of these families into compounds. This helps to get round the problem but does not dispose of it altogether. It has the effect of black policemen being further ostracized by their communities, but it may also strengthen the resolve of policemen concerned to continue in their jobs as they could be victimised if they left the force.

#### Role of the Army

20. By contrast with the police, use of the South African Defence Force (SADF) appears to be efficient, well controlled and effective. The SADF have been called upon to provide back-up support in both the Transvaal and the Eastern Cape. The situation would not have to get much worse for the Government to deploy the SADF on a significantly larger scale than at present. It is noticeable that when the SADF have been deployed to deal with disorders, few incidents have occurred between the force and the local community. We have been told by contacts in the Eastern Cape that there is some evidence that local communities have welcomed the deployment of troops as an alternative to the police who are now widely distrusted. (In this respect there may be some parallel with the reaction of the Northern Irish Catholic community to the initial deployment of British forces.)

21. Within the Army itself there seems no problem over its deployment. Soldiers accept that their role includes dealing with any disorders that go beyond the capability of the South African Police. SADF training now has a greater emphasis on dealing with internal security incidents. Part-time reservists are also being prepared for deployment in an IS role. We have observed no difference in the attitudes of English and Afrikaner soldiers to these new duties, which are seen as part of the job. There has, however, been some criticism by parents amongst the English-speaking community about deployment of conscripts in township areas. We also understand that a larger number of conscripts than usual failed to report for enlistment at the beginning of 1985, though the reasons for this are varied and may only partially be connected with the current unrest.

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22. We continue to see little prospect of a military coup. Senior military officers appear to share the Government's views that blacks should be co-opted into a programme of managed change. Dissatisfaction in the middle to junior ranks may increase if law and order and economic problems persist. There could then be problems with lower levels in the SADF who might sympathise with more conservative viewpoints. But we do not believe this is liable to result in the SADF intervening in politics, which would be wholly uncharacteristic of their training and discipline. Attitudes among army officers are more likely to reflect the same lack of unanimity as may be found among their civilian counterparts.

#### External Threat

23. We continue to see no credible external military threat to South Africa in either the short or long term. Periodic bomb attacks against soft targets gain attention for the ANC but have so far made little if any difference to normal life. A deliberate campaign to kill whites could, however, rapidly escalate tension within the country. Assassination of a leading Government figure would have major backlash effect. Meanwhile the ANC can take advantage in a small way of widespread black unrest and is probably doing so at present. It may step up its attacks against white targets and against blacks regarded as collaborators. We see no reason to believe that it can operate within South Africa in such a way as to pose a serious threat to the stability of the regime in the foreseeable future.

#### Conclusions

24. (a) The present level of urban unrest is unlikely to subside quickly. But unless there are other major disasters as at Uitenhage the application of law and order should after a few months give the South African Government some respite. Blacks will be left sullen and uneasy. The atmosphere is likely to be one of brooding discontent with sporadic disturbances.

(b) The police badly need a shake-up. They have hitherto just managed but would be very hard pressed if faced with simultaneous rioting throughout South Africa. The army is likely to play a growing role.

(c) Recent events have been a boost for black militancy. Blacks need time to regroup and reorganise. But the level of their demands has risen. Black unions have not been able to play a major role in a time of economic downturn. Economic recovery could strengthen their bargaining power.

(d) Economic collapse is not in prospect. But the present weak economy has made it more difficult for the Government to move ahead with their plans for managed change.

(e) White morale has been dented. The Government face a credibility crisis with the way forward lying uneasily between white conservatism and growing black non-cooperation.

/(f)





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(f) It is difficult to be optimistic about the Government's prospects of winning over blacks with policies they appear to have in mind at present. The Government have a number of possible options to promote dialogue, including the release of Mandela. But while the present urban unrest continues and Mandela refuses to give assurances about his future course of action, any Government would be taking a risk in giving him unconditional freedom.

(g) Slowly mounting tensions may frustrate the Government's plans. The prospect will then be for a white backlash or a more radical programme of reform. Indeed both are possible, accompanied by an intensified effort by the Government to maintain law and order.

(h) The demographic reality is such that few would doubt that a backlash would only delay the day when blacks eventually win real power. But for the present the Government are capable of maintaining control. Even if the police are stretched, the back up provided by the SADF should be sufficient to ensure that the Government does not have to change course precipitately in the next four years or so.

*Yours ever*  
*Patrick Moberly*

P H Moberly

copy to:

D Tonkin Esq CMG  
PRETORIA

C T Brant Esq CMG CVO  
JOHANNESBURG

B V White Esq  
CAPE TOWN

S J Davey Esq  
DURBAN

CONFIDENTIAL



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cpc

10 DOWNING STREET

*From the Private Secretary*

3 June 1985

FORCED REMOVALS IN SOUTH AFRICA:  
MATHOPESTAD

You wrote to Mark Addison on 30 May about the proposal to resettle the Mathopestad community.

The Prime Minister agrees our Ambassador in Cape Town should write to Sub-Chief John Mathope in the terms of the draft enclosed with your letter with the omission of the words "her sympathy for you and" in the last paragraph.

(CHARLES POWELL)

C R Budd Esq  
Foreign and Commonwealth Office

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THIS IS A COPY. THE ORIGINAL IS  
RETAINED UNDER SECTION 3 (4)  
OF THE PUBLIC RECORDS ACT

Foreign and Commonwealth Office

London SW1A 2AH

31 May 1985

Prime Minister

mb

CDP  
1/6

Dear Charles,

South Africa/Angola: The Cabinda Incident

You told us that the Prime Minister had expressed interest in the incident involving South African soldiers in Cabinda on 21 May. The Foreign Secretary thought the Prime Minister might like the following assessment of this incident.

The Incident

The incident has been fully reported in the press. Briefly, on 21 May a group of Angolan troops surprised a number of South African soldiers near the oil installation managed by the US company Gulf Oil at Malango, the capital of Cabinda province in the north of Angola. Two South Africans were killed and one taken prisoner, while others escaped. The Angolans seized military equipment including radios, weapons and explosives. The Angolans claimed that the South African forces were engaged in an attempt to sabotage the Gulf Oil installation. This claim was substantiated when the captured South African, du Toit, appeared at a press conference making a long statement and answering questions. Du Toit said it was the South African intention to present the operation as one carried out by UNITA.

For its part, the South African Government has claimed that the target in Cabinda had been the ANC. They have also admitted that their forces operate inside Angola, but have emphasised that their purpose is to gather intelligence on the ANC and SWAPO. They have denied that the operation at Cabinda was aimed against Gulf Oil.

Assessment

the South Africans have in the past undertaken sabotage operations in Angola which have been attributed to UNITA. (In 1982, South African special forces mounted a clandestine attack on the oil tank farm in Beira, Mozambique.)

that a further such operation in Angola was planned. Although there are ANC training camps in northern Angola, so far as we are aware there are neither ANC nor SWAPO camps in Cabinda province, and du Toit's public statements must seriously undermine the credibility of the South African line. Our own assessment is that the South Africans were almost certainly engaged in an operation to sabotage the Cabinda oil installation which, after its

/ successful ...





successful execution, would have been attributed to UNITA. It would, of course, have been economically very damaging, and would have had significant consequences for the Angolan Government's morale.

### Significance

While the information available to us remains incomplete, and in particular it is not clear how far the operation would have been authorised at the highest South African level, its serious implications are now beginning to unfold. It could not have come at a worse time. The UN Security Council is to discuss Namibia in the week beginning 10 June; and the US-led negotiations on Namibia have just entered a very sticky patch, following the discouraging Angolan response to the compromise proposals on Cuban withdrawal recently put forward by the Americans. The Cabinda incident will give powerful ammunition to those in the UN and inside Angola who argue that the South Africans cannot be trusted and that their real purpose, supported by the US, is to bring down the MPLA government; moreover, that they are not seriously interested in the US-led negotiations. This view has been passed on to our Ambassador in Luanda who has reported from his contacts with the Interior Minister, Kito Rodriguez (the principal negotiator in the US negotiations), that the Cabinda incident has discredited the negotiating process and destroyed Angolan confidence in South Africa and the US. Moreover, the incident has had an immediate and serious effect not only on the Namibia negotiations but, perhaps above all, on South African/US relations at a particularly sensitive moment over the disinvestment campaign in the US. It must also have caused considerable embarrassment to President Mobutu of Zaire.

We are seeing Dr Crocker in Paris today and in London next week. This will give us an opportunity to discuss the potential consequences and what further action might need to be taken. We will keep you posted on developments.

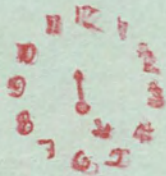
*Yours ever,*  
*Le Appleyard*

(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street



31 MAY 1985



*Handwritten text, possibly a signature or address, written vertically in blue ink.*



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file

bc: PC

DSF

31 May 1985

Thank you for your letter of 29 May commenting on the reply from President Botha of South Africa to the Prime Minister's letter to him of 4 April. The Prime Minister has agreed with the Foreign Secretary's conclusion that the correspondence with President Botha should be allowed to rest for the moment with his most recent letter.

Timothy Flesher

Colin Budd, Esq.,  
Foreign and Commonwealth Office.

TWJ

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Foreign and Commonwealth Office

London SW1A 2AH

30 May 1985

Dear Mark

Yes  
no

Prime Minister  
Agree that our  
Ambassador should  
write to the Sub-Chief  
at Mathopestad as  
proposed?  
COP  
1/6.

Forced Removals in South Africa: Mathopestad

Further to my letter of 10 May (copy enclosed) we have now received further details from our posts in South Africa on the proposal to resettle the Mathopestad community.

The picture is in fact not very clear. The South African junior Minister responsible has told us that the position at Mathopestad was complicated, as there appears to be a division of opinion amongst the community. He pointed out that while land owners apparently do not wish to move, many of their tenants take a contrary view. The South African Government was anxious to establish which residents had a legal right to land, and once this had been done the matter would be discussed again fully with the land owners. The Minister made clear that the final decision will be on the basis of the wishes of the majority of the land owners.

This approach may well reflect the South African Government's preference for moving the Mathopestad community. It is consistent with reports from our Consulate-General in Johannesburg that the Government has persuaded a substantial number of tenants at Mathopestad to agree to move, and the Government has publicly stated that a date for removal will be set. In the circumstances it is only safe to conclude that removal is probable.

The South African authorities are, of course, aware of our general concern about forced removals (a point reiterated by the Prime Minister in her letter of 4 April to President Botha in the context of KwaNgema). Our Embassy have also indicated to them our interest in the Mathopestad case. Given this, it does not seem necessary, nor is it likely to be useful, to take up the Mathopestad case as a special one on which to press the South Africans, though we think it right for our Embassy to continue to raise it with them at suitable opportunities. It would also be appropriate and useful to reiterate our concern at the policy of forced

/removal



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removals and to express sympathy in the reply to the letter which Sub-Chief John Mathope sent to the Prime Minister. We recommend that a reply on the lines of the enclosed draft should be sent by our Ambassador on the Prime Minister's behalf. This would follow the precedent of KwaNgema, where the Ambassador replied jointly on behalf of both The Queen and the Prime Minister.

*Yours Sincerely,  
Colin Budd*

(C R Budd)  
Private Secretary

Mark Addison Esq  
10 Downing Street

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DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:

Reference

H M Ambassador  
CAPETOWN  
DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:

Your Reference

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

Sub-Chief John Mathope

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

I have been asked to reply to your letter of 23 April to the Prime Minister.

CAVEAT.....

The Prime Minister was concerned to learn of the possibility that your community might be obliged to move against its will. The British Government has made very clear its opposition to the policy of forced removals and in particular the Prime Minister raised this question with President Botha when he visited her in June 1984.

The Prime Minister has asked me to express her sympathy for you, and her hope that your difficulties can be resolved satisfactorily.

Enclosures—flag(s).....



S. Africa

PT 4 Relatives





10 DOWNING STREET

G.P.

I think you should have a  
look at this. It seems that  
we will be forced renovats  
despite Telno 171 of 10 May.  
In these circumstances is the  
letter too much perhaps  
Please in time?

AT 30/5





Foreign and Commonwealth Office

London SW1A 2AH

29 May 1985

Prime Minister:

The FCS recommends  
that we should let  
the correspondence with  
President Botha rest with  
his recent letter.

Dear Charles,

South Africa

Thank you for your letter of 7 May enclosing  
President Botha's reply to the Prime Minister's letter  
of 4 April. Agree?

President Botha's letter responds on all three of the  
issues raised by the Prime Minister (Mozambique, forced  
removals and internal affairs). About half of the letter is  
concerned with the steps the South Africans have taken in  
implementation of the Nkomati Accord. Looked at together  
they make a reasonable case, especially the most recent  
measures to stop arms smuggling to RENAMO and helping to  
protect certain installations within Mozambique. It is a  
pity that these actions were not taken earlier but they should  
now have gone some way to allaying President Machel's fears  
about the South African attitude which he expressed directly  
to the Prime Minister in Moscow. Or 375

More recently there has been some improvement in the  
security situation around Maputo, though the overall situation  
is still bad. There is some justification for President Botha's  
call for greater help from Western countries. For our part,  
we hope to disburse over £8 million (excluding food aid) in  
1985/86 and, as you will know, are discussing with the  
Ministry of Defence how we might respond, within our limited  
resources, to President Machel's request for assistance to  
the Mozambican armed forces. We have also urged our partners  
to do likewise, though so far the response has been limited.  
When our Ambassador in Maputo saw President Machel on 13 May,  
the latter expressed gratitude for our diplomatic activities  
in support of Mozambique. He also said that Mr Pik Botha had  
told him of the Prime Minister's recent exchanges with  
President Botha, and that the South Africans too were  
appreciative of our efforts.

On the internal front, President Botha not unexpectedly  
blames the ANC for continuing urban violence. He asserts that  
this violence is planned in the ANC's London Office and urges  
the Prime Minister to take appropriate measures to prevent  
such activity. This is a question which the South Africans

/have





have raised regularly with us in recent years. President Botha himself did so at Chequers. When Ambassador Worrall called on the Foreign Secretary on 25 April he urged us to reconsider our tolerance of the ANC's activities in London. In September 1983 the South Africans formally asked us to close the ANC's Office here. This is a difficult and emotive problem, similar to that which we face over foreign exiles generally. You are aware that there has been correspondence about the particular case of Joe Slovo, a leading ANC military figure, but the Home Secretary has decided that the grounds for action against him are inadequate. The fact is that, Slovo apart, we have no evidence, nor have the South Africans produced any, that would justify taking action against ANC members in the UK.

Lastly, President Botha's reply is reasonably reassuring on KwaNgema. He refers to a paper on the KwaNgema and Driefontein cases recently passed to us by the South African Embassy. This (copy enclosed) states that when the dam which threatens the lands of those two communities is full, land occupied by 169 out of the 289 families at KwaNgema will be under water. It sets out health and infrastructure reasons for moving at least part of both these communities. President Botha's letter implies that only 27 families at KwaNgema and 83 at Driefontein are required to move, adding that land or cash payments will be offered as compensation. Separate reports from our Embassy are also more encouraging. The Deputy Minister of Land and Development Affairs has told them that he has had three meetings recently with the communities of KwaNgema and Driefontein and accepts that the overwhelming majority of the people do not wish to move. Discussions are to continue over compensation for the land that has been flooded. The forced removal of these communities thus now seems less likely, though there is still an element of doubt about this. We shall, of course, continue to keep a close watch on developments affecting these communities.

In your subsequent letter of 9 May, you mentioned that the Prime Minister might wish to reply to President Botha after a little time had lapsed. Although we are anxious to maintain this correspondence, the Foreign Secretary is inclined to recommend against a further letter for the time being. At present there is little to say in response to the points made by President Botha; while the Foreign Secretary sees advantage in maintaining the momentum of these exchanges by letters at

/fairly



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fairly regular intervals, they will make more impact if they are sent when there is something substantive to say.

---

*Yours ever,*

*Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

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KwaNgema and Driefontein

## INTRODUCTION

These two communities near Piet Retief in the South-Eastern Transvaal have been in the news lately inter alia because of the need to relocate their inhabitants elsewhere. The proposed resettlements have, in fact, been the subject of some controversy. The aim of the present paper is to place them in context, thereby eliminating their controversial aspects.

## SUSPENSION OF GENERAL POLICY OF REMOVALS

While both the State President and the Minister of Co-operation and Development have indicated, the latter as recently as last week during a United States television program, that the policy of removals in general has been suspended pending further negotiations with the communities concerned, there is a compelling reason to relocate at least part of the Kwangema and Driefontein Communities as soon as possible.

## COMPELLING REASON TO RESETTLE RESIDENTS OF KWANGEMA AND DRIEFONTEIN

This is the Heyshope Dam, whose steady filling will soon see part of the ground occupied by the communities permanently inundated.

When completed, the Heyshope Dam will be an important part of the Usutu-Vaal chain of dams which will provide water to SASOL II and III as well as to a number of ESCOM power stations in the Eastern Highveld. It is the first in a series of five possible dams comprising the second phase of the Usutu-Vaal Scheme. The first phase of the project, the Grootdraai Dam, is already



inadequate and urgently needs to be supplemented. The strategic and economic importance of SASOL and ESCOM, together with the urgent necessity for an additional supply of water to the Grootdraai Dam, compelled the Authorities to give priority to the construction of the Heyshope Dam. Even so, the yield of the Heyshope Dam will be sufficient only until 1988, whereupon the next dam in the series will have to be completed.

The level of the dam is now past the 12% mark. When it is full, the land occupied by about 169 families out of approximately 280 families (some 1320 people) at Kwangema, which make up the Ngema family, will be under water. So far twenty-seven families have been moved to higher ground. Even the dead are affected. Thus the grave of the founder of the Ngema Clan, Stuurman, is already below the flood level and his remains will have to be moved along with other remains in the present graveyard.

#### HEALTH REQUIREMENTS

If the dam is the most immediate reason for its resettlement, the health requirements of the Kwangema community and its children are equally compelling in the long term. The lack of potable water is an on-going cause of concern. The main source of water in the area is the Assegai River and its tributaries, which pose a threat to health, illustrated by recent outbreaks of cholera. Medical facilities are far from adequate. Emergency services are not available on the spot. While the Ermelo division of the Provincial Health Service visits the area to tend minor health problems and to apply preventive programs,



the nearest hospital or medical clinic is at Piet Retief.

#### POOR INFRASTRUCTURAL FACILITIES

Educational and other infrastructural facilities are also poor. The six-classroom school is inadequate for the community's needs. Roads are eroded. Some were washed away by cyclone Domoina early in 1984. A visit to the area confirms that the community is unable to provide even the most basic services required for a decent standard of living. Any hope of improvement is negated by a relatively high birthrate as well as increases due to an influx of squatters.

#### COMPENSATORY LAND FOR KWANGEMA RESIDENTS

Negotiations for the community's resettlement have been conducted with Kwangema leaders since April 1981. Because additional land to resettle the entire community is not available at Kwangema itself, two other areas were identified as compensatory land: Babanango in Northern Natal, due to become part of the KwaZulu self-governing national state, and part of Kwangwane national state, near Oshoek/Lochiel at the Swaziland border.

#### PEOPLE CHOOSE OSHOEK/LOCHIEL

In December 1983 both areas were shown to representatives of the Kwangema people, then under the leadership of Gabriel Ngema. Both were found acceptable, but the people opted for Oshoek/Lochiel on account of the strong ties which had developed over the years between the Ngemas and the Swazis and because this area was better situated in relation to the Pretoria-



Witwatersrand-Vereeniging triangle where many of the male members of the community earn their living.

#### KWANGEMA

KwaNgema consists of 4349.4 ha. of moderately fertile land between Piet Retief and Wakkerstroom in the South-Eastern Transvaal. Farming activity is limited to a few hectares of maize production. Most of the remaining land is used for cattle farming. A large portion of the land is rented out to Black squatters and White farmers in the area.

#### BABANANGO AND OSHOEK/LOCHIEL

The proposed parcels of compensatory land, at Babanango, and at Oshoek/Lochiel, are much more extensive than that currently occupied by the KwaNgema community. That at Babanango is 11 152.962 ha. and at Oshoek/Lochiel 14315.5199 ha. Enjoying a relatively high rainfall, Babanango is suitable for agriculture. Oshoek/Lochiel would support both agriculture and forestry. Large stretches are already covered by excellent forests capable of generating a substantial income. But since the quality or potential output per hectare of the agricultural land is lower than at KwaNgema, the plots at Oshoek/Lochiel are three times the size of the KwaNgema plots.

#### PREPARATIONS AT OSHOEK/LOCHIEL

In preparation for the possible settlement of the KwaNgema Community, and as a precaution against such contingencies as a sudden rise in the level of the Heyshope Dam, the Department of Co-operation and Development has commenced the planning and



development of the area.

Two boreholes supply water certified by the Council for Scientific and Industrial Research (CSIR) to be free of contamination or pollution to a network consisting of a rising main to a reservoir. Thence water is reticulated through an underground network to points within 250 m. of each stand. (Waterholes at KwaNgema are both scarce and remote.)

Four kilometres of gravelled roads with storm water pipes and canals have been constructed. A temporary 10 classroom school building and 337 toilets have already been erected. Present developments are well-planned. They will form part of a comprehensive settlement project should the KwaNgema Community decide to move to the area. The establishment of modern health facilities is, of course, also a *sine qua non* before resettlement can take place.

#### CONSTITUTIONAL POSITION MISUNDERSTOOD

Much of the controversy surrounding the need to resettle the KwaNgema community may be due to a misunderstanding as to the ownership of the land now occupied by the community. In 1904, the year when, in terms of the prevailing constitutional procedure, the land was allocated to Stuurman Ngema's "heirs and successors" by the Lieutenant-Governor of the Transvaal acting on behalf of King Edward VII, the Head of State of the Transvaal Colony, it was Crown land or State land not the King's personal domain. It remains State land in the charge of the South African State President.



In addressing a letter to Queen Elizabeth II early in 1984, representatives of the KwaNgema "Committee of Twelve" and their advisers may not have been aware of the constitutional position. The British Government has, in law and in fact, no *locus standi* to intervene in the matter. Indeed, the British Government as such never possessed the power to dispose of KwaNgema. Therefore, the attempt of community representatives to involve the British Government in their dispute with the South African authorities over the proposed resettlement has no legal basis. It is, if anything, a misguided political ploy, one which complicates the matter unnecessarily.

#### SUPREME COURT CONFIRMS CUTHBERT NGEMA AS ACTING-CHIEF

After Gabriel Ngema, the community's recognised leader, accepted resettlement at Oshoek/Lochiel on behalf of his people, he appointed a committee, later known as the Committee of Twelve, chaired by Moses Ngema, to assist him in the negotiations on the details.

The committee turned against Gabriel Ngema, rejected the idea of resettlement and disputed his leadership, Moses Ngema claiming that he, Moses, was in fact the rightful leader. But ethnologists consulted by the Department of Co-operation and Development confirmed Gabriel's claim after deliberating with members of the Ngema family in Moses' presence. Initially agreeing with the outcome of the deliberations, the latter subsequently changed his stance. Gabriel and his followers in the meantime disassociated themselves from the "Committee of Twelve" and continued negotiations for resettlement.



The dispute acquired new momentum when Gabriel Ngema died in March 1984. Moses Ngema repeated his claim to the leadership, but the "Umdeni" or inner circle of the family appointed Cuthbert Ngema acting chief on 1 December 1984. His appointment is only temporary because Gabriel's son, the rightful heir, is too young to take up the leadership. On 21 December 1984 the so-called "Committee of Twelve" applied for a Supreme Court Order to depose Cuthbert Ngema; to prevent the authorities from allowing the level of the Heyshope Dam to rise; and to prevent the removal of Stuurman Ngema's grave pending a Court verdict on the legality of the removal.

Pending the outcome of the application, the government undertook (a) not to negotiate with Cuthbert Ngema, (b) to compensate members of the community with property above the hundred year flood level, and (c) that the community's acceptance of such compensation would not be construed as agreement to resettlement elsewhere.

The committee undertook in turn to drop its application to prevent the authorities from taking action to fill the dam.

The Supreme Court turned down the application to suspend Cuthbert Ngema on 13 March 1985. The Court found that the "Committee of Twelve" and its chairman, Moses Ngema, had failed to show that the community would suffer irreparable harm if Cuthbert Ngema continued to act as chief of the Ngema family - the main thrust against Cuthbert Ngema's appointment. The Court ruled also that it was clear from the facts of the case that the



acting chief would be bound to consult the governing council of the Ngema family, the Umdeni. The Court recognised that the Department of Co-operation and Development had given the assurance that all interested parties would be consulted on the question of removal.

#### DRIEFONTEIN

Driefontein is the only other community whose continued existence is threatened by the rising waters of the Heyshope Dam. Already over-populated - 15 000 people occupy 2780.5647 ha. of land - the inevitable shrinkage of the community's land occasioned by the dam will render conditions even less tolerable than they are now, especially since no alternative land is available at Driefontein.

#### POOR LIVING CONDITIONS

Living conditions at Driefontein are even worse than at KwaNgema. Outbreaks of cholera and related diseases occur frequently due to a lack of fresh water and sanitary facilities. Although the Transvaal Provincial Health Service tries to provide some medical care and preventive treatment, medical facilities are virtually non-existent.

#### NEGOTIATIONS

Two factions claim to represent the community: the "Driefontein Community Board" under leadership of S. Msibi, which favours resettlement, and the "Council Board of Directors", chaired by J. Vilikazi, which opposes it.

The present negotiations have as their purpose to persuade



the community to agree to resettlement, preferably at Eabanango, where sufficient land is available for immediate development. A forced removal is not contemplated. Negotiations will continue in an effort to obtain the co-operation of the people on a voluntary basis.

#### CONCLUSION

Resettlement of the Kwangema and Driefontein Communities will undoubtedly improve the quality of life of their members. Already unsatisfactory, their conditions will unquestionably become even less tolerable when the Heyshope Dam achieves its optimum level. Resettlement is therefore in the interest of these communities. They are not being asked to move before the establishment of proper facilities in the proposed areas of resettlement. But a move before the dam fills completely is clearly a necessity. If nothing else, the health of community members and their children demands it.

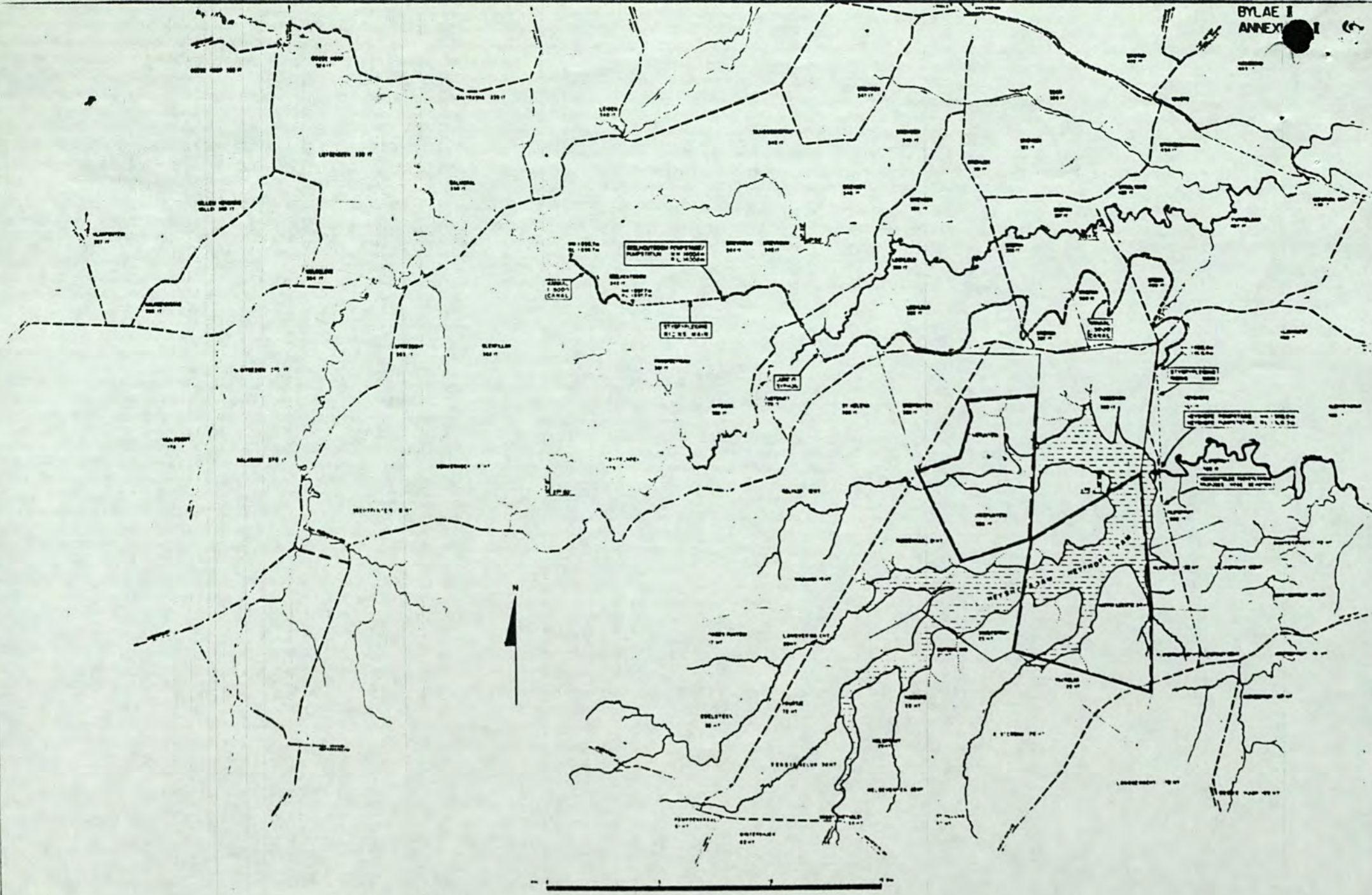
Annexed are maps showing the area of the Heyshope Dam and the present settlements as well as the proposed locations for resettlement.

25 March 1985







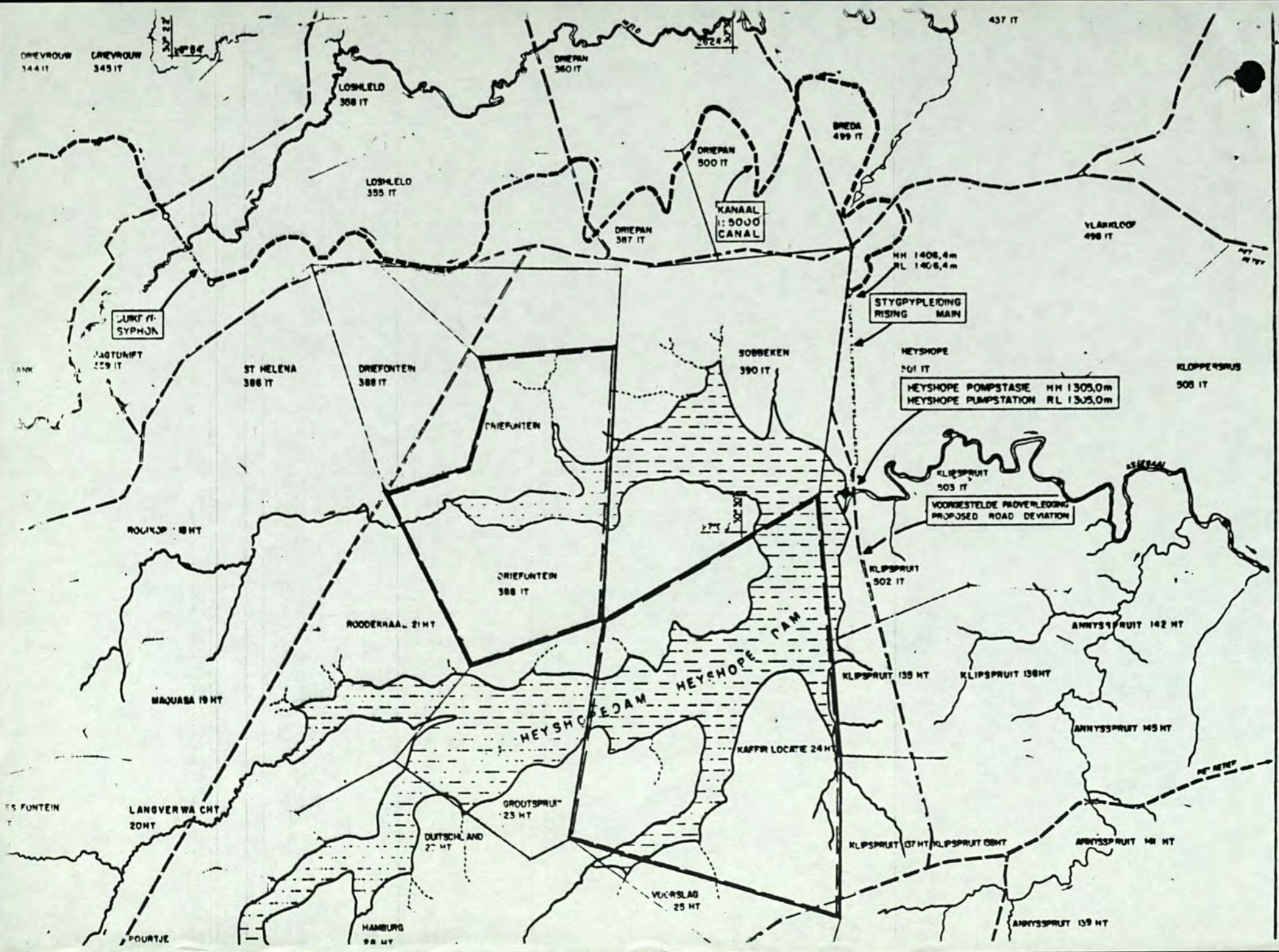


USUTU - VAAL - STAATSWATERSKEMA - FASE 2  
PLAN UITLES VAN HEYSHOPE DAM EN WATERLEIDINGS

USUTU - VAAL GOVERNMENT WATER SCHEME - PHASE 2  
LAYOUT PLAN OF HEYSHOPE DAM AND ACQUEDUCTS

ENGINEER: G. J. VAN DER MERWE, CIVIL ENGINEER, B.Sc. (WATER), B.Sc. (ELECTRICAL), B.Sc. (M.E.), B.Sc. (A.G.), B.Sc. (M.A.), B.Sc. (M.Sc.), B.Sc. (M.Phil.), B.Sc. (D.Phil.), B.Sc. (D.Litt.), B.Sc. (D.Sc.), B.Sc. (D.Eng.), B.Sc. (D.Ind.), B.Sc. (D.Eng.), B.Sc. (D.Ind.), B.Sc. (D.Eng.), B.Sc. (D.Ind.)





DRIEVROUW 344 IT  
DRIEVROUW 345 IT

LOSHLELD 358 IT

DRIEPAN 360 IT

LOSHLELD 355 IT

DRIEPAN 500 IT

BREDA 499 IT

DRIEPAN 387 IT

KANAAL: 5000 CANAL

VLARKLOOF 498 IT

HH 1406,4m  
RL 1406,4m

STYGPYLEDING RISING MAIN

LUNK IT-SYPHOON

JAGTUNFT 229 IT

ST HELENA 388 IT

DRIEFONTEIN 388 IT

SOBBEKEN 390 IT

HEYSHOPE 501 IT

KLOPPERSRUS 505 IT

HEYSHOPE POMPSTASIE HH 1305,0m  
HEYSHOPE PUMPSTATION RL 1305,0m

DRIEFONTEIN

KLIPSPRUIT 503 IT

VOORSTELDE PROEFLEGGING PROPOSED ROAD DEVIATION

ROUWSP 18 HT

DRIEFONTEIN 388 IT

KLIPSPRUIT 502 IT

ROODERHAAI 21 HT

KLIPSPRUIT 139 HT

KLIPSPRUIT 138 HT

ANNYSSPRUIT 142 HT

MAJUABA 19 HT

HEYSHOPE DAM

HEYSHOPE DAM

ANNYSSPRUIT 145 HT

KAFFIR LOCATIE 24 HT

ES FONTEIN

LANGVERWACHT 20 HT

GROOTSPRUIT 23 HT

KLIPSPRUIT 137 HT

KLIPSPRUIT 136 HT

ANNYSSPRUIT 141 HT

DUTSCHLAND 27 HT

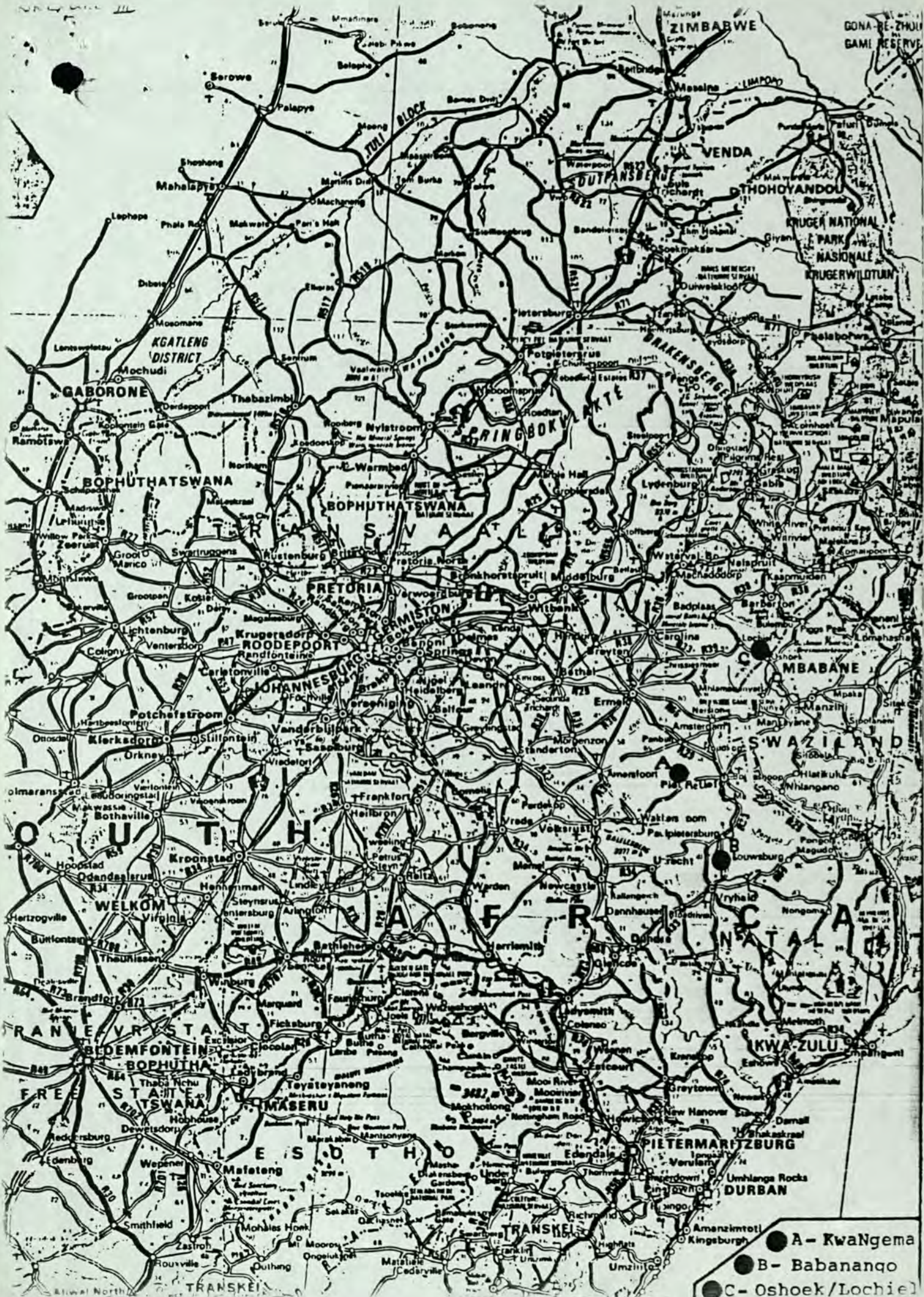
VUURSLAG 25 HT

ANNYSSPRUIT 139 HT

POURTJE

HAMBURG 28 HT





- A - KwaNgema
- B - Babanango
- C - Oshoek/Lochiel



~~20 MAY 1965~~  
29 MAY 1965

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SOUTHERN AFRICA

PS  
 PS/MR RIFKIND  
 PS/PUS  
 MR FERGUSSON  
 SIR J FREELAND  
 MR JOHNSON  
 MR O'NEILL  
 HD/SAFD  
 HD/CAFD  
 HD/UND  
 HD/NEWS DEPT  
 RESIDENT CLERK

MR CLG MALLABY, CABINET OFFICE

PS/NO 10 DOWNING STREET

15.11.84

GRS-700

SECRET

DESKBY 271800Z LUANDA  
 FM WASHINGTON 271530Z MAY 85  
 TO IMMEDIATE LUANDA  
 TELEGRAM NUMBER 26 OF 27 MAY  
 INFO IMMEDIATE FCO

IMMEDIATE

ADVANCE COPY

PLEASE PASS FOLLOWING MESSAGE FROM CROCKER FOR GOULDING.  
 BEGINS:

FOR MJC GOULDING FROM CHET CROCKER.

IN THE WAKE OF THE CABINDA INCIDENT WE HAVE REACTED FORCEFULLY TO THE SAG, BOTH PUBLICLY AND PRIVATELY. I BELIEVE IT IS ESSENTIAL THAT WE PLACE THE STRENGTH OF THOSE VIEWS BEFORE THE MPLA AND URGE THEM TO FOCUS ON THE FACT THAT SIMILAR VIOLENCE IS BOUND TO RECUR AS LONG AS THERE IS NO INTERNATIONAL SETTLEMENT IN THE REGION. FOR THAT REASON, I WOULD APPRECIATE ONCE AGAIN YOUR HELP IN PASSING THE FOLLOWING MESSAGE TO KITO. MANY THANKS.

DEAR MR. MINISTER:

THE UNITED STATES GOVERNMENT HAS REACTED IN VERY STRONG TERMS TO THE RECENT INCIDENT IN CABINDA, BOTH PUBLICLY AND PRIVATELY TO THE SOUTH AFRICAN GOVERNMENT. YOU MAY HAVE SEEN OUR PUBLIC STATEMENTS REPORTED IN THE INTERNATIONAL PRESS, BUT I WANT TO ENSURE THAT YOU AND YOUR GOVERNMENT ARE FULLY INFORMED OF THE UNITED STATES GOVERNMENT'S POSITION ON THE MATTER.

WE HAVE STATED PUBLICLY THAT THE UNITED STATES DEPLORES THE FACT THAT SOUTH AFRICA CONTINUES TO OPERATE MILITARY UNITS DEEP INSIDE YOUR COUNTRY. AS YOU ARE WELL AWARE, OUR DIPLOMACY IN SOUTHERN AFRICA HAS BEEN AIMED AT STOPPING VIOLENCE, REMOVING FOREIGN FORCES FROM ALL PARTS OF THE REGION, AND OBTAINING MUTUAL RESPECT FOR NATIONAL SOVEREIGNTY AND THE INVIOABILITY OF INTERNATIONAL BORDERS. SOUTH AFRICA'S ACTIONS IN OPERATING CLANDESTINE MILITARY UNITS INSIDE ANGOLA CLEARLY RUN CONTRARY TO THOSE AIMS OF MY GOVERNMENT. ON A BROADER SCALE, HOWEVER, I BELIEVE THIS DEPLORABLE INCIDENT ILLUSTRATES YET AGAIN THE NEED FOR AN INTERNATIONAL SETTLEMENT IN THE REGION. IN EXPRESSING OUR DEEP INDIGNATION TO SOUTH AFRICA OVER THE CABINDA ACTION, WE ARE PRESSING HARD TO END INCIDENTS AND VIOLATIONS OF SOVERIEGNTY LIKE THE INCIDENT IN CABINDA. THAT SAID, THE POINTS OF CONFLICT IN SOUTHERN AFRICA ARE NUMEROUS AND EASILY IGNITED. I THINK IT IS CLEAR THAT FAILING A DIPLOMATIC SOLUTION, THE CONFRONTATION BETWEEN SOUTH AFRICA AND YOUR COUNTRY WILL CONTINUE. I FIRMLY BELIEVE THAT THE NEGOTIATIONS OUR GOVERNMENTS ARE CONDUCTING OFFER THE SINGLE BEST HOPE FOR THE KIND OF DURABLE SETTLEMENT WHICH IS NEEDED.



ARE CONDUCTING OFFER THE SINGLE BEST HOPE FOR THE KIND OF DURABLE SETTLEMENT WHICH IS NEEDED.

AS YOU ALSO KNOW, ONE OF MY GOVERNMENT'S PRINCIPAL ONGOING CONCERNS IS THE SAFETY OF ITS CITIZENS OVERSEAS. WE HAVE REITERATED THAT CONCERN PUBLICLY, ALONG WITH A STATEMENT THAT WE VIEW WITH THE UTMOST GRAVITY ANY EFFORT FROM ANY SOURCE WHICH WOULD HAVE THE EFFECT OF PLACING IN DANGER GULF OIL PERSONNEL OR FACILITIES IN CABINDA. ADDITIONALLY, WE HAVE EXPRESSED TO THE SOUTH AFRICAN GOVERNMENT OUR DEEP INDIGNATION OVER THIS INCIDENT, AND ASKED FOR A FULL EXPLANATION.

IN LIGHT OF THE CABINDA INCIDENT, WE HAVE APPROACHED THE FRONT LINE STATES, AND OUR ALLIES, AS WELL AS THE SOUTH AFRICAN GOVERNMENT DIRECTLY, IN ORDER TO MAKE OUR STRONG VIEWS KNOWN. I WILL ALSO BE MEETING SHORTLY WITH A REPRESENTATIVE OF THE SOVIET UNION TO DISCUSS THIS AND OTHER MATTERS. THIS MOST RECENT EVENT UNDERSCORES ONCE AGAIN THAT WE NEED TO MOVE FORWARD IN OUR SEARCH FOR A DIPLOMATIC SOLUTION TO THE CONFLICT BETWEEN YOUR GOVERNMENT AND SOUTH AFRICA.

THERE REMAINS OUTSTANDING OUR OFFER TO MEET WITH YOU TO DISCUSS THESE ISSUES. WE HAVE YET TO RECEIVE YOUR RESPONSE TO THAT OFFER, AND I CONTINUE TO BELIEVE WE SHOULD PIN DOWN A DATE SOON WHEN DELEGATIONS FROM OUR TWO GOVERNMENTS CAN SIT DOWN TOGETHER. AS WE HAVE SAID IN THE PAST, STATESMANSHIP AND FLEXIBILITY WILL BE REQUIRED ON BOTH SIDES TO REACH A SETTLEMENT, AND SUCH A MEETING WILL GIVE US THE OPPORTUNITY NEEDED TO EXPLORE IN GREATER DEPTH THE IDEAS WHICH WE GAVE YOU, AS REPRESENTATIVE OF YOUR GOVERNMENT IN MINDELO LAST MARCH 18. THOSE IDEAS MUST BE DEVELOPED FURTHER IF THERE IS TO BE A BASIS FOR A NEGOTIATED SETTLEMENT.

SINCERELY, CHESTER A. CROCKER  
ENDS.

WRIGHT

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161/2  
Se



GRS 200  
UNCLASSIFIED  
FM CAPE TOWN 271340Z MAY 1985  
TO PRIORITY FCO  
TELEGRAM NUMBER 187 OF 27 MAY  
INFO PRIORITY PRETORIA  
INFO SAVING JOHANNESBURG, DURBAN (PTA PSE PASS) CAPE TOWN CONSULATE  
(ACTIONED)

SOUTH AFRICA INTERNAL.

SUMMARY

1. THE GOVERNMENT HAS DECIDED TO SCRAP THE PROHIBITION OF POLITICAL INTERFERENCE ACT, 1968. POLITICAL PARTIES WILL BE ABLE TO RECRUIT MEMBERS FROM ALL RACE GROUPS. CERTAIN NON-WHITE OPPOSITION PARTIES MIGHT MERGE WITH THE PROGRESSIVE FEDERAL PARTY.

DETAIL

2. THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING, MR HEUNIS, ANNOUNCED ON 25 MAY THAT THE PROHIBITION OF POLITICAL INTERFERENCE ACT WHICH FORBIDS RACIALLY MIXED MEMBERSHIP OF POLITICAL PARTIES, IS TO BE REPEALED. MR HEUNIS SAID AMENDING LEGISLATION WOULD PROBABLY BE INTRODUCED IN PARLIAMENT THIS SESSION.

COMMENT

3. THIS ANNOUNCEMENT WAS EXPECTED, ALTHOUGH THE LEGISLATION MIGHT NOT BE ENACTED UNTIL THE BEGINNING OF THE NEXT PARLIAMENTARY SESSION NEXT JANUARY. ALL POLITICAL PARTIES EXCEPT THE CONSERVATIVE PARTY HAVE WELCOMED THE GOVERNMENT'S DECISION.

4. EACH POLITICAL PARTY WILL NOW BE ABLE TO OPEN ITSELF TO MEMBERSHIP BY PEOPLE OF ALL RACES, INCLUDING BLACKS. DR SLABBERT, THE LEADER OF THE PROGRESSIVE FEDERAL PARTY, HAS SAID THE PFP WOULD CONSIDER PUTTING UP CANDIDATES FOR SEATS IN THE HOUSES OF REPRESENTATIVES AND DELEGATES. SUCH CANDIDATES WOULD OF COURSE HAVE TO BE COLOURED OR INDIAN.

5. SPECULATION THAT SOME PARTIES IN THE HOUSES OF REPRESENTATIVES AND DELEGATES WILL NOW MERGE WITH THE PFP IS PREMATURE. BUT THE INDIAN OPPOSITION PARTY, SOLIDARITY, MAY WELL DECIDE TO DO SO LATER THIS YEAR. THE LABOUR PARTY MIGHT ALSO ESTABLISH CLOSE LINKS WITH THE PFP.

MOBERLY

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MR J R J JOHNSON  
CABINET OFFICE

**THIS TELEGRAM  
WAS NOT  
ADVANCED**



File

089



10 DOWNING STREET

*From the Private Secretary*

20 May 1985

CHIEF BUTHELEZI

BF 11  
I have seen a copy of Cape Town telegram no. 177 about the visit of Chief Buthelezi. The Prime Minister will see him for a brief courtesy call at 11.00 a.m. on Friday, 2 August.

For the Foreign Secretary's personal information, she will also meet Chief Buthelezi for dinner at Sir Laurens van der Post's home on 4 August.

Charles Powell

Colin Budd, Esq.,  
Foreign and Commonwealth Office.



V  
W F F 041/17

**IMMEDIATE**

*ps/NO 10 Downing St.*

LPT 572/17

**ADVANCE COPY**

[H.D. S.A.F.D.]

*XX 1009*

DD FCO DESKBY 171530Z

GRS 50  
RESTRICTED  
DESKBY 171530Z  
FM CAPE TOWN 171410Z MAY 1985  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 177 OF 17 MAY  
INFO IMMEDIATE PRETORIA, JOHANNESBURG, DURBAN (ACTIONED)



YOUR TELNO 90: VISIT BY CHIEF BUTHELEZI.

1. BUTHELEZI HAS INFORMED US THAT HE EXPECTED TO VISIT LONDON ON 2 OR 4 AUGUST. HE WOULD BE HAPPY IF THE MEETING WITH THE PRIME MINISTER COULD BE ARRANGED FOR ANY DATE IN THE PERIOD 29 JULY TO 10 AUGUST, WHATEVER SUITS NO 10. IF THIS PERIOD IS NOT POSSIBLE, HE IS PREPARED TO COME TO LONDON SPECIALLY A LITTLE EARLIER IN JULY.

MOBERLY

*11.00  
2d August.  
No 10.*

NNNN



GRS 560

RESTRICTED

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FM CAPE TOWN EMBASSY 101700Z MAY 85

TO ROUTPNE FCO

TELEGRAM NUMBER 171 OF 10 MAY

INFO ROUTINE PRETORIA

INFO SAVING JOHANNESBURG, DURBAN, CAPE TOWN CONSULATE

FORCED REMOVALS

SUMMARY

1. 52 TOWNSHIPS WILL NOT BE RESETTLED. ENCOURAGING REPORTS ABOUT POLICY ON KWANGEMA AND DRIEFONTEIN.

DETAIL

2. IN A FRONT PAGE ARTICLE ON 9 MAY THE JOHANNESBURG CITIZEN REPORTED THAT THE GOVERNMENT HAD DECIDED THAT 700,000 BLACKS AND 52 TOWNSHIPS THAT MIGHT HAVE BEEN RESETTLED WOULD INSTEAD BE LEFT IN SITU. THE 52 TOWNSHIPS WOULD BE DEVELOPED.

3. WE HAVE CHECKED WITH THE DEPARTMENT OF COOPERATION AND DEVELOPMENT ABOUT THIS REPORT AND HAVE RECEIVED CONFIRMATION THAT IT IS CORRECT. THE DEPARTMENT HAVE GIVEN US A LIST OF THE TOWNSHIPS CONCERNED. THESE RANGE FROM BLACK TOWNSHIPS IN MAJOR URBAN AREAS TO SMALL RURAL COMMUNITIES. A COPY OF THE LIST FOLLOWS BY BAG.

4. ALTHOUGH THIS APPEARS TO BE THE OUTCOME OF THE REVIEW OF RESETTLEMENT POLICIES ANNOUNCED EARLIER THIS YEAR, NOT ALL OF THE COMMUNITIES THREATENED BY RESETTLEMENT APPEAR IN THE LIST. ARCHER SPOKE TO WILKENS, THE DEPUTY MINISTER OF DEVELOPMENT AND LAND AFFAIRS, TODAY (10 MAY) ABOUT HIS DEPARTMENT'S POLICY ON REMOVALS. WILKENS SAID THAT HE THOUGHT THAT IT WAS LIKELY THAT THE GOVERNMENT WOULD IN DUE COURSE WISH TO ANNOUNCE THE FORMAL OUTCOME OF THE REVIEW. THEY WERE NOT YET READY TO DO SO BECAUSE DECISIONS HAD STILL TO BE TAKEN ABOUT OTHER COMMUNITIES. HOWEVER, WE COULD BE ASSURED THAT GOVERNMENT POLICY HAD CHANGED. THERE WAS NO INTENTION TO MOVE COMMUNITIES AGAINST THEIR WILL. THE PROBLEM WAS THAT THERE WAS NOT AGREEMENT IN ALL COMMUNITIES ABOUT WHAT THE COMMUNITIES WISHED TO DO.

5. WILKENS SAID THAT HE KNEW THAT THE BRITISH GOVERNMENT WERE PARTICULARLY INTERESTED IN THE COMMUNITIES AT KWANGEMA, DRIEFONTEIN, AND MATHOPESTAD. HE HAD HAD THREE ROUNDS OF DISCUSSIONS WITH THE COMMUNITIES AT KWANGEMA AND DRIEFONTEIN. AS A RESULT IT WAS EVIDENT TO HPM THAT THE OVERWHELMING MAJORITY OF PEOPLE IN THE TWO COMMUNITIES DID NOT WANT TO MOVE. THERE WAS HOWEVER A NEED TO DECIDE WHAT WAS GOING TO BE DONE ABOUT THOSE PEOPLE AFFECTED BY THE FLOODING OF LAND. THE DRIEFONTEIN COMMUNITY WISHED TO BE COMPENSATED HECTARE FOR HECTARE. THE KWANGEMA COMMUNITY WERE A LITTLE MORE FLEXIBLE. THEY WOULD BE PREPARED TO CONSIDER SOME COMPENSATION IN CASH OR IN KIND EG. AGRICULTURAL EQUIPMENT BUT THEY TOO WANTED AS

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/mch.



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MUCH LAND IN COMPENSATION AS POSSIBLE. THERE WERE 900 HECTARES AVAILABLE ADJACENT TO THE EXISTING SITES FOR RESETTLEMENT. 2,100 HECTARES WAS HOWEVER NEEDED. THE DEPARTMENT WERE NOW LOOKING URGENTLY AT OTHER ADJACENT SITES WITH A VIEW TO SEEING WHETHER THEY COULD ACQUIRE ADDITIONAL LAND IN THE VICINITY.

6. MATHOPESTAD WAS MORE COMPLICATED. THERE SEEMED TO BE A DIVISION OF OPINION AMONG THE COMMUNITY AND ALTHOUGH IT WAS BEING REPRESENTED THAT THE LAND OWNERS DID NOT WISH TO MOVE THE DEPARTMENT HAD NOT BEEN ABLE TO ESTABLISH WHICH RESIDENTS HAD A LEGAL RIGHT TO LAND. THIS WAS TO BE LOOKED AT URGENTLY BY A SPECIALLY APPOINTED LEGAL TEAM. ONCE THIS HAD BEEN ESTABLISHED HE WOULD DISCUSS THE MATTER AGAIN FULLY WITH THE LAND OWNERS. MANY OF THEIR TENANTS WISHED TO MOVE BUT THERE WAS NO REASON WHY LANDLESS TENANTS AT MATHOPESTAD SHOULD RECEIVE SPECIAL TREATMENT. A DECISION WOULD BE MADE ON THE BASIS OF THE WISHES OF THE MAJORITY OF LANDOWNERS.

7. THESE DEVELOPMENTS ARE ENCOURAGING. THE DECISION NOT TO PROCEED WITH FORCED REMOVALS IN MANY COMMUNITIES IS VERY WELCOME. IT IS TO BE HOPED THAT THE DEPARTMENT WILL BE ABLE TO CONFIRM THAT OTHER COMMUNITIES WHOSE FUTURE REMAINS IN DOUBT WILL BE ABLE TO REMAIN IN THEIR PRESENT AREAS IF THEY WISH TO DO SO.

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cc JM

R. copy to Mr. Murray & return to me via Monday  
18/5



Foreign and Commonwealth Office

London SW1A 2AH

10 May, 1985

Please await letter at X

18/5

Dear Charles,

Forced Removals in South Africa: Mathopestead

We have just received from our Consulate-General in Johannesburg the enclosed letter to the Prime Minister from Sub-Chief John Mathope of the Bakubung Tribe of Mathopestead, who fears that his tribe is under imminent threat of removal. John Mathope is the spokesman of the Chief of the Bakubung Tribe, Chief Solomon.

The Bakubung Tribe of Mathopestead has been under threat of removal for some time. Its plight attracted substantial media coverage in early January in connection with a visit by Senator Kennedy during his visit to South Africa. As you know, one of the important developments in South Africa this year has been the announcement by the South African Government that, with certain exceptions, forced removals like that of Mathopestead or KwaNgema have been suspended pending a review of policy. President Botha reaffirmed this in his letter of 2 May to the Prime Minister. It is not entirely clear to us on what grounds the South African authorities may be preparing to proceed with the removal of the Bakubung Tribe, but they may be intending to argue that the community has given its consent. President Botha told the Prime Minister that resettlement would go ahead when it "had the approval and consent of the people concerned". We have asked our Post in South Africa to comment as a matter of urgency.

The Mathopestead community has also appealed to Mr Shultz. Their appeal is similar to that made by the KwaNgema community last year. I shall write again as soon as we have heard further from our Post and recommend how the Prime Minister might reply to the letter from John Mathope. Should this appeal become public in the meantime, however, we recommend that you tell the press that the letter is being studied and that our opposition to forced removals is well known.

Yours ever,  
Colin Budd

C D Powell Esq  
10 Downing Street

(C R Budd)  
Private Secretary

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Bakabung Tribe  
Mathopestad  
PO Box 61  
Boons  
2807  
23|4|85

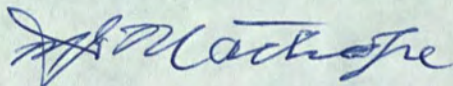
The Prime Minister's Residence  
10 Downing Street  
London W1

Dear Mrs Thatcher

A very terrible thing is happening to us. The government have announced that they are going to move us away from our place where we have been living for 75 years. We do not want to go and we keep saying that we will not go.

At the same time the Government is telling the outside world that forced removals have stopped and that they will consult with the people if they want to move them. They have not consulted with us since May 1983 when we refused to move. We have heard that Mr Shultz of the American government believes that forced removals have stopped.

We have written to Mr Shultz to explain his mistake and ask him to help us. We want other people also to help us and that is why we are writing to you.



Sub-Chief John Mathope

Sub



OPEN LETTER  
22 April 1985

Bakubung Tribe  
Mathopestad  
Box 61  
Boons  
2807

Mr G. Shultz  
Secretary Of State  
United States of America

Dear Mr Shultz,

I was very much surprised to hear that you said that there will be no more forced removals in South Africa. I think that you are mistaken because the Minister in our government, Mr Viljoen, is still saying that we are going to be removed. It seems to us that they say one thing to you but they say altogether different things to us.

We have always said we are not prepared to move. Our forefathers bought this land in 1910 for their children and grandchildren until the last generation of man on earth. It is our land and we farm it well. It is our only home. We explained all these things to Senator Kennedy when he came to visit us in January.

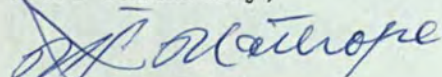
But the government is still doing everything it can to persuade us to give up our land and go far away. They even say that many of our people are willing to go. But these people who say that they will go are not the landowners. They are our tenants, or people who have sought shelter here. They are welcome amongst us, but are also quite free to go if they want to. We the landowners will never go. We want to keep our land and are not interested in any other place they offer us.

On the 20th of April we held a tribal meeting to test the people's feelings about the removal. The Chief, the headmen of all the clans, the landowners, and all the people present signed a petition to say they do not want to move. Even if the government still says the tenants are willing to go, everyone should know that we, the tribe who own this land, are determined to remain here.

What will the government do if we still refuse? We are very much afraid that the police will come in the night with guns and force us out. That is what happened last year in Magopa when the people refused to go from their place. Dr Viljoen says the Magopa people agreed to go and this makes us even more afraid because we know about the police with guns.

I am writing to explain these things to you because we think a big man like you can try to speak to our government and stop them from taking away our land and forcing us to go. That is why we are asking you, Mr Shultz, to help us. I would also like to put this letter in your newspapers so that all your people can also know what is happening in our village.

Yours faithfully,



JOHN MATHOPE  
SUB-CHIEF OF BAKUBUNG TRIBE  
ACTING FOR CHIEF SOLOMON MATHOPE



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JR(53)  
bcPC



10 DOWNING STREET

*From the Private Secretary*

9 May 1985

*x ref*

CHIEF BUTHELEZI

Thank you for your letter of 8 May about Chief Buthelezi's visit in June.

The Prime Minister would be very ready to see Chief Buthelezi but the dates in question are very difficult for her.

We had heard independently that he is to pay a private visit to the United Kingdom at the end of July, and arrangements were in hand for the Prime Minister to see him then. This would be much more convenient for her.

Perhaps our Embassy could contact Chief Buthelezi to seek confirmation that he does indeed intend to visit the United Kingdom again at the end of July. If it transpires that he does not, we shall look again at the possibility of a call in early June.

*BF*  
*(1)*

(C. D. POWELL)

L.V. Appleyard, Esq.,  
Foreign and Commonwealth Office.

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SUBJECT 08  
C. Maden Set

10 DOWNING STREET

*From the Private Secretary*

9 May, 1985.

Southern Africa

The Prime Minister had a brief discussion last night with the Foreign Secretary on Southern African issues, particularly in the light of growing pressure in the US Congress for some form of economic measures against South Africa. The Foreign Secretary reported that the Australians seemed likely to move towards the position adopted by the New Zealand Government, and there was uncertainty about Canadian intentions. The net result was that Southern African issues would clearly be very difficult to deal with at CHOGM; and there would likely be stronger pressure at the United Nations for economic sanctions, with the United States a less reliable ally than in the past in opposing them. The Foreign Secretary said that the only action he contemplated at present was to review the Code of Conduct to see whether it needed to be strengthened and improved in some respects, not so much in terms of wage levels as conditions of employment. The Prime Minister acknowledged that a review would be useful, but suggested caution in proposing changes.

The Prime Minister suggested that it might be useful to have a seminar on Southern African matters before CHOGM. The Foreign Secretary undertook to reflect upon this.

The Prime Minister commented that she had received a very thorough reply from President Botha to her last message. My feeling is that the Prime Minister would in fact like to reply, though not necessarily immediately. We might have a few weeks' pause.

BF  
②

(C.D. Powell)

Len Appleyard, Esq.,  
Foreign and Commonwealth Office.

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Foreign and Commonwealth Office

London SW1A 2AH

8 May 1985

*Dear Charles,*

Chief Buthelezi

Chief Buthelezi, the Chief Minister of KwaZulu and a leading black political figure in South Africa, is to be a guest speaker at a Conference organised by Business International to be held in London on 5 and 6 June. The Foreign Secretary recommends that the Prime Minister should invite Chief Buthelezi to call on her during his visit here.

As the leader of Inkatha, the Zulu political and cultural movement which claims nearly 1 million members, Chief Buthelezi is a highly influential figure. In black political terms he is conservative and pragmatic, rejecting violence and opposing sanctions and disinvestment as a lever for change. Because of his attitude and because he heads a homeland government (believing that it is possible to work within the apartheid system for change), Buthelezi is rejected by most radical black leaders in South Africa. But he has long maintained a strong stand against South African internal policies. For example, he refuses to accept 'independence' for the KwaZulu homeland and declines to cooperate with the Special Cabinet Committee set up to look into the problems of urban blacks. He has also refused, for reasons of principle, to take part in the new forum for a wider dialogue with blacks proposed by President Botha. Recently, however, he has met President Botha for the first time in four years, perhaps indicating a change in his tough approach towards dealing with the Government.

The Foreign Secretary believes that Chief Buthelezi must be regarded, despite all the controversy attaching to him, as a major political figure in South Africa. Given the attention which South African issues are currently attracting, and the prominent role they will play at CHOGM later this year, the Foreign Secretary believes that it would be valuable, and would assist the presentation of our position, if the Prime Minister were to receive Chief Buthelezi during his forthcoming visit. We believe that Chief Buthelezi would himself welcome such a call. He has in the past been received by Presidents Carter and Reagan and Chancellor Kohl.

/ If ...

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If the Prime Minister is willing to see Chief Buthelezi, we will ask our Post in South Africa to contact him in order to arrange a mutually convenient date and time.

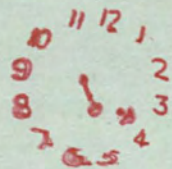
*Yours ever,*  
*Le Appleyard*  
(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street

RESTRICTED



8 MAY 1985



For mail  
P. G. G. G.





JEK

10 DOWNING STREET

*From the Private Secretary*

7 May 1985

BA  
I enclose a copy of a letter from President Botha to the Prime Minister which is a detailed reply to the Prime Minister's own letter of late March. I do not think that a further reply is needed but would be grateful for advice please.

(CHARLES POWELL)

C R Budd Esq  
Foreign and Commonwealth Office



SUBJECT PRIME MINISTER'S

cc Thurston  
ops



PERSONAL MESSAGE

SERIAL No. T77A/85 -B8/6/1-

(2)

South African Embassy  
Trafalgar Square  
London WC2N 5DP

Prime Minister

CSP

A very good  
letter.

7/2.

mt

2nd May 1985

The Rt. Hon. Mrs Margaret Thatcher, M.P.  
Prime Minister  
No. 10 Downing Street  
London SW1

Dear Prime Minister,

I thank you for your message which I received on 5 April 1985. I must agree with you when you say that it is a major interest of the west to work for improved internal security in Mozambique and to foster economic reconstruction in that country. I was pleased to note that it is also your opinion that more needs to be done if the Nkomati process is to be made irreversible and was encouraged by your view that the flow of arms to Renamo must be stopped and the Mozambican army strengthened.

My Government, as I am sure you are aware, has been actively engaged in assisting the Mozambique Government in each one of these spheres. Since the signing of the Nkomati Accord, South Africa has provided Mozambique with lines of credit to the value of R38 m. In addition, the South African Reserve Bank is busy negotiating the re-scheduling of Mozambique's debt repayments to South Africa, while a further credit line of R17 m is being considered at the moment. South African interests are involved in the supply and delivery of goods and services, supervision on site and supply of management services for the interim rehabilitation of six sugar factories in Mozambique while a boiler of the Sonef Power Station in Maputo will be repaired thereby reducing Maputo's dependence on the vulnerable power supply from South Africa. The Cahora Bassa Agreement has been re-negotiated to give Mozambique, for the first time, a share of the tariff when a secure power supply is restored.



The South African Government has assisted with the repair of electricity pylons and railway lines and bridges destroyed by Renamo saboteurs. The Electricity Supply Commission of South Africa (ESCOM) and the South African Transport Services are now engaged in discussions with Mozambique with the aim of establishing a special security corps to protect power lines and railways jointly with the responsible Mozambican entities. The South African Government has offered practical assistance in the patrolling of the Mozambique coast to prevent arms from being landed for use by Renamo. A mobile radar station has been deployed on the South African side of the border in order to provide Mozambique with radar charts indicating unannounced flights entering the border area. Several such flights have been investigated and one unannounced military flight carrying football fans from Harare to attend a sports' meeting in Mbabane was requested by the South African Air Force to land for identification purposes.

My Government has offered to send fifty doctors and fifty dentists to serve the Mozambique population in the fight against disease and illness. It has, moreover, offered to provide specialist services for the more sophisticated medical requirements of the people of Mozambique and has encouraged the South African private sector seriously to consider investment and commercial possibilities in Mozambique. President Machel has informed my Government that he does not require arms from South Africa but is in need of basic equipment such as uniforms and my Government is seriously considering in what manner it can assist. I am sure, Prime Minister, that you will agree that the sums of money involved in these projects as seen against the size of the South African gross national product, represent a significant contribution on the part of the South African Government.

In an attempt to allay some of the concerns of the Mozambique Government since the signing of the Accord of Nkomati, my Foreign Minister has visited Maputo on three occasions and has held discussions with President Machel on two of these occasions. The Joint Mozambique/South African Security Commission, established in terms of the Accord, has met on seven occasions to deal with complaints raised by both sides. At present outstanding issues are being actively pursued on both sides. The two Governments have also decided to establish a joint operational centre at the border in order to establish rapid communications between security forces and other Government Departments and to facilitate joint investigation and suitable action in case of border and other security problems. This centre, the Nkomati Operational



Centre, will become functional on 1 May 1985. In addition a secure telephone link between the Governments of Maputo and Pretoria/Cape Town is also in the process of being established.

The South African Police have uncovered a Renamo counterfeiting and smuggling group and have taken action to prevent the illegal activities of Renamo sympathisers inside South Africa. In an attempt to curtail arms supplies to Renamo, I sent my Foreign Minister in December 1984 to speak to the Presidents of Somalia and the Comoros when it was alleged that military supplies were being channelled via those two countries. He received denials of complicity from both of these Presidents. My Government also approached Malawi, a Commonwealth Country, when the Mozambique authorities made mention of support for Renamo emanating from that country. The South African Government unfortunately does not have the appropriate channels to investigate allegations of Renamo supporters being active in two other Commonwealth Countries, namely Tanzania and Kenya. I might add that the question of what the British Government can contribute to counter the activities of Renamo has been raised at the level of the Foreign and Commonwealth Office.

You will also be aware of the efforts of the South African Government during the period October 1984 to January 1985 to achieve a ceasefire between the Mozambique Government and Renamo. These efforts included an offer of employment in South African mines for 8,000 Renamo supporters prepared to lay down their arms. These efforts have not been successful due in large measure to the intransigence of Renamo.

Prime Minister, I have gone into detail in order to give you an insight into some of the areas in which the South African Government is actively assisting the Mozambique Government to overcome its difficulties. Difficulties, I hasten to add, which form no part of the Nkomati Accord but which are solely the internal responsibility of the Mozambique Government. On 9 April 1985 I received high-level emissaries from President Machel and in a spirit of co-operation and goodwill we looked seriously at further areas of bi-lateral collaboration.

I would be less than frank, Prime Minister, if I did not state that it is the view of both the South African and Mozambique Governments that not enough is being done by the West in terms of economic and military co-operation to Mozambique and in the efforts to stop



the machinations of influential industrialists and financiers who do not have the best interests of Mozambique at heart. I understand that the Mozambique Government is preparing a list of essential projects to which I trust the "Ten" will be able to contribute in terms of expertise and finance. I am sure that you accept that the South African Government does not have the financial means to bear the burden in Mozambique alone.

Regarding the present unrest in the Eastern Cape and elsewhere and the regrettable events on 21 March 1985, I would draw your attention to the remarks which President Reagan made on 21 March 1985 and which he amplified in a subsequent newspaper interview. You will recall that he said, inter alia, that

"We do know that there is a factionalism there. It isn't just a simple question of two groups, the Government versus a group. Over in this group there is a division and there is a sector that wants violence as the answer and they're even violent to the others, not to the Government alone."

and again:

"... but remember the violence is not just alone stemming from a Government put-down of demonstrations. You have, in the black community there, you've got rival factions and the violence is sometimes between them fighting each other. And we've seen evidence of that, and we've seen murders. And some of the 40 deaths have been created in and among the people without the Government participating."

and again:

"... there is an element that wants an overthrow of the Government by violence and is not just limiting its fighting to the Government. It is fighting its own fellow citizens, and even in the same communities."

You correctly point out that I immediately appointed a judicial commission of enquiry into the incidents of 21 March 1985, and I feel that we should all await the findings of that Commission before passing judgement on the actions of those most closely involved.

The objective of the South African Government is the realisation of the reasonable political aspirations of all population groups. The basic issue confronting



the country is how this objective can be achieved. The radical element believes in revolutionary methods involving violence and their target is principally moderate Black South Africans who favour peaceful negotiation. That is why the victims of the recent violence are overwhelmingly black moderates.

It is worth noting that the prime instigator of revolutionary violence in South Africa is the African National Congress (ANC). It has stated openly that its policy is the use of violence aimed at making South Africa "ungovernable" and it has claimed responsibility for several acts of terrorism in South Africa. In his message for 1984, the ANC President, Mr Oliver Tambo said: "We shall achieve victory through a combination of mass political action and organised revolutionary violence."

It is equally noteworthy that the ANC has clashed with the authorities in the Kingdom of Swaziland, apparently because of the refusal of the Government of Swaziland to allow it to use Swaziland as a base from which to launch acts of violence against South Africa. While restraints have been placed on the activities of the ANC in Swaziland and elsewhere in Southern Africa including Mozambique, it is allowed to operate offices freely in London and Lusaka, the capitals of two Commonwealth Countries. The Foreign and Commonwealth Office has been given full details of the affiliations, objectives and strategies of this organisation.

You will recall, Prime Minister, that I raised this matter with you during our meeting at Chequers on 2 June 1984. I would again urge you to consider appropriate measures to persuade the ANC to stop planning violence in South Africa from their headquarters in London.

Regarding the last paragraph of your letter, I wish to advise that the South African Government has decided to review all previous decisions regarding the resettlement of black communities. Pending this review all resettlements have been suspended except in cases where resettlement takes place with the approval and support of the people concerned.

The South African Embassy in London recently provided the Foreign and Commonwealth Office with a comprehensive background document on the KwaNgema Community. With regard to the specific land belonging to the KwaNtema Community, the total extent of the farm is 4,349 hectares. The portion of the farm situated under the flood line of the newly constructed Heyshope Dam is



1,998 hectares in extent and only 27 families of the KwaNgema Community were relocated from the area under the flood-line. The 27 families have been relocated on higher land owned by the Ngema tribe and the South African Government started discussing the question of compensatory land for the 1,998 hectares which have been inundated with a delegation of the KwaNgema Community on 29 April 1985.

Besides the Ngema Community a portion of a nearby situated farm known as Driefontein 388 IT, owned by various individual black people has also been inundated by the Heyshope Dam. The total extent of the farm Driefontein is 2,780 hectares. The portion of this farm situated under the flood-line of the dam is 615 hectares in extent with 83 families presently residing on the land. These people will also have to be relocated elsewhere.


The proposed relocation of the 83 families and the question of compensatory land for them, has been discussed on two occasions with a delegation of the Driefontein Community which has submitted certain firm proposals, presently being considered by the South African Government. Solutions to the problems in connection with the Ngema and Driefontein Communities, will have to be found either in providing suitable compensatory land or cash payments.

From the foregoing it will be clear to you, Prime Minister, that my Government is trying to resolve this matter in a manner satisfactory to all concerned.

Yours sincerely,

P.W. Botha  
STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

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*100%*  
*Prig*





Copy Seen by PM

See T 774/85



CDP  
9/5

Tuynhuys  
Cape Town

1985-05-01

Dear Prime Minister

I thank you for your message which I received on 5 April 1985.

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Besides the Ngema community a portion of a nearby situated farm known as Driefontein 388 IT, owned by various individual Black people has also been inundated by the Heyshope Dam. The total extent of the farm Driefontein is 2780 hectares. The portion of this farm situated under the flood line of the dam is 615 hectares in extent with 83 families presently residing on the land. These people will also have to be relocated elsewhere.

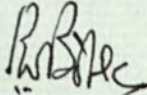
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Yours sincerely



P W BOTHA  
STATE PRESIDENT OF THE  
REPUBLIC OF SOUTH AFRICA

The Rt. Hon. Margaret Thatcher  
Prime Minister  
10 Downing Street  
LONDON



-9 MAY 1967

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CONFIDENTIAL

GRS 1050

CONFIDENTIAL

FM CAPE TOWN 231630Z APR 1985

TO PRIORITY FCO

TELEGRAM NUMBER 156 OF 23 APRIL

INFO PRIORITY WASHINGTON, UKMIS NEW YORK, HARARE, LUSAKA  
INFO SAVING MBABANE, MASERU, GABORONE, MAPUTO, JOHANNESBURG,  
DURBAN (PRETORIA PSE PASS) CAPE TOWN CONSULATE (ACTIONED)

MY TELNO 152: (NOT TO ALL): SOUTH AFRICA INTERNAL

SUMMARY

1. PRESIDENT BOTHA HAS CONFIRMED THE GOVERNMENT'S INTENTION TO INTRODUCE FREEHOLD PROPERTY RIGHTS FOR BLACKS AND TO CONSULT WIDELY ABOUT PROPOSALS FOR BLACK CITIZENSHIP. TWO OUT OF THREE WHITE OPPOSITION PARTIES HAVE ACCEPTED THE GOVERNMENT'S INVITATION TO PARTICIPATE IN THE SPECIAL CABINET COMMITTEE ON BLACKS. BUT PROSPECTS FOR DISCUSSION WITH BLACKS ABOUT CONSTITUTIONAL DEVELOPMENT DO NOT LOOK ENCOURAGING. UNREST IN THE EASTERN CAPE CONTINUES UNABATED, WITH SYSTEMATIC VIOLENCE AN INCREASINGLY WORRYING FEATURE OF LIFE IN THE TOWNSHIPS, FOR MUCH OF WHICH THE GOVERNMENT ARE BLAMING THE UDF.

DETAIL

2. THE STATE PRESIDENT'S SPEECH IN PARLIAMENT ON 19 APRIL WAS AN IMPORTANT DECLARATION OF INTENT. IT CAN BE SEEN AS A FOLLOW-UP TO HIS STATEMENT AT THE OPENING OF PARLIAMENT IN JANUARY. IT DENOTES FURTHER MOVEMENT BY THE GOVERNMENT ON FREEHOLD RIGHTS, CITIZENSHIP AND EFFORTS TO ESTABLISH A DIALOGUE WITH LEADING BLACKS. AS BEFORE, HOWEVER, THE GOVERNMENT ARE STILL EDGING FORWARD ON MOST MAJOR ISSUES. THEY REMAIN UNCERTAIN HOW TO ATTRACT BLACKS INTO GENUINE DISCUSSION OF POSSIBLE REFORMS IN THE PRESENT MOOD OF DISCONTENT AND VIOLENCE. THEY MAY WELL BE TEMPTED TO OUTLAW THE UDF. YET THIS STEP WOULD ALIENATE POTENTIALLY MIDDLE-OF-THE-ROAD BLACKS EVEN MORE FROM CO-OPERATING WITH THE AUTHORITIES.

BLACK UNREST

3. IT IS PERHAPS SIGNIFICANT THAT THE FIRST PART OF THE PRESIDENT'S SPEECH DEALT WITH CURRENT BLACK UNREST. THE GOVERNMENT ARE SERIOUSLY WORRIED BY EVENTS IN THE EASTERN CAPE. THESE HAVE BECOME INCREASINGLY VIOLENT SINCE THE SHOOTINGS AT UITENHAGE AND WERE REFERRED TO BY THE DEPUTY MINISTER FOR LAW AND ORDER DURING THE WEEKEND AS THE BEGINNINGS OF A REVOLUTIONARY SITUATION.

4. THE APPROACHES TO UITENHAGE TOWNSHIPS AND OTHER BLACK URBAN AREAS AROUND PORT ELIZABETH ARE NOW GUARDED BY TROOPS. BUT ROAD BLOCKS AND MOVEMENT CONTROL HAVE FAILED TO BRING AN END TO DAILY INCIDENTS OF MURDER, ARSON AND INTIMIDATION BY BLACKS AGAINST BLACKS. TENSIONS ARE ALSO EXACERBATED WHENEVER BLACKS ARE KILLED IN CONFRONTATION WITH THE POLICE OR (AS HAPPENED IN ONE CASE LAST WEEK) WITH THE ARMY. A WHITE RESIDENT AND A COLOURED WOMAN WERE COVERED WITH PETROL AND SET ALIGHT BY BLACKS IN SEPARATE INCIDENTS DURING THE WEEKEND.

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5. MEMBERS OF THE WHITE OPPOSITION WHO HAVE BEEN TO UITENHAGE AND PORT ELIZABETH IN THE PAST FEW DAYS HAVE TOLD US THAT TENSION AMONG BLACKS IS WORSE THAN THEY HAVE EVER ENCOUNTERED IN SOUTH AFRICA. THERE IS DEEP BITTERNESS AND DISTRUST OF THE GOVERNMENT AND THE FORCES OF LAW AND ORDER. THIS EXTENDS HERE AND THERE TO THE COLOURED COMMUNITY WHO ARE BEING BLAMED BY SOME BLACKS FOR CO-OPERATING WITH THE GOVERNMENT. IT SO HAPPENS THAT THE LEADER OF THE COLOURED LABOUR PARTY, HENDRICKSE, REPRESENTS THE COLOURED DISTRICT OF UITENHAGE.

6. IN HIS HARDHITTING ATTACK ON THE UNITED DEMOCRATIC FRONT (UDF) PRESIDENT BOTHA NOT ONLY BLAMED IT FOR SUPPORTING VIOLENCE BUT ALSO BRACKETED IT WITH THE ANC. THE GOVERNMENT'S INSTINCTIVE REACTION IS TO CONCENTRATE FIRST ON EFFORTS TO RESTORE LAW AND ORDER. IN THIS WAY THEY UNDOUBTEDLY HAVE GENERAL WHITE SUPPORT. THE LEADER OF THE PFP ASSOCIATED HIS PARTY WITH CONDEMNATION OF ACTS OF VIOLENCE ALTHOUGH NOT WITH THE PRESIDENT'S SPECIFIC REMARKS ABOUT THE UDF AND ANC. IN PARTICULAR VAN ZYL SLABBERT MADE A PLEA TO THE GOVERNMENT NOT TO REGARD EVERYONE IN THE UDF AS EXTREMISTS BUT TO TRY AND BRING UDF MODERATES INTO THE PROCESS OF CONSULTATION.

#### HOUSING

7. THE DECISION FORESHADOWED IN JANUARY TO PROCEED WITH GRANTING FREEHOLD PROPERTY RIGHTS SHOULD BE WELCOMED BY MOST BLACKS. LEGISLATIVE ACTION MAY HAVE TO WAIT UNTIL 1986. BUT PROPOSALS FOR CONTROLLED URBANISATION AND FOR IMPROVED RURAL DEVELOPMENT ARE TO BE REFERRED TO STANDING COMMITTEE LATER THIS YEAR.

#### CITIZENSHIP

8. THE PRESIDENT DID NOT CLARIFY WHAT THE GOVERNMENT INTEND TO DO ABOUT CITIZENSHIP. BUT THERE HAVE BEEN INDICATIONS (INCLUDING COMMENT BY THE GOVERNMENT-CONTROLLED BROADCASTING CORPORATION) THAT THE GOVERNMENT HAVE IN MIND A BROAD SOUTH AFRICAN CITIZENSHIP FOR ALL RESIDENTS OF THE REPUBLIC. THIS COULD INCLUDE BLACKS DEEMED TO BE CITIZENS OF "INDEPENDENT" HOMELANDS, PERHAPS WITH A FORM OF DUAL CITIZENSHIP.

#### DIALOGUE WITH BLACKS

9. ACCEPTANCE BY PARTIES IN ALL THREE HOUSES, EXCEPT THE CONSERVATIVE PARTY, OF THE PRESIDENT'S INVITATION TO JOIN IN AN ALL PARTY FORUM FOR NEGOTIATION WITH BLACK LEADERS IS NOT ONLY UNPRECEDENTED IN ITSELF BUT MAY HELP TO MAKE THE CABINET COMMITTEE MORE ATTRACTIVE TO BLACKS. THE PROGRESSIVE FEDERAL PARTY (PFP) HAVE AGREED TO PARTICIPATE ON CONDITION THAT IT WILL BE THE TYPE OF INFORMAL OPEN-ENDED FORUM THE PRESIDENT ANNOUNCED ON 25 JANUARY. THE PRESIDENT HAS MADE IT PLAIN THAT HE DOES NOT REGARD THE WIDER CABINET COMMITTEE AS OPENING THE DOOR TO COALITION GOVERNMENT SEMI COLON BUT HE CLEARLY WANTS TO ADDRESS BLACK PROBLEMS FROM A MORE NON-PARTISAN POSITION, WHILE ISOLATING THE RIGHT WING PARTIES.

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10. NEVERTHELESS PFP LEADERS HAVE TOLD US THAT THEY FELT UNABLE TO REFUSE THE GOVERNMENT'S OFFER BUT ARE DUBIOUS ABOUT THE PROSPECTS OF RESULTS. THEY SEE THE GOVERNMENT AS CAUGHT IN A DILEMMA BECAUSE RECENT EVENTS, INCLUDING THE COMPLETE DISCREDITING OF BLACK LOCAL COUNCILLORS AS COLLABORATORS WITH AN UNPOPULAR GOVERNMENT, HAVE MADE BLACKS RELUCTANT TO JOIN IN. THE UDF HAVE ANNOUNCED THAT THEY WILL HAVE NOTHING TO DO WITH THE COMMITTEE.

REMAINDER OF THE PARLIAMENTARY SESSION

11. BILLS TO REPEAL THE MIXED MARRIAGES ACT AND SECTION 16 OF THE IMMORALITY ACT WILL BE DEBATED IN PARLIAMENT NEXT WEEK. THEY HAVE THE FULL SUPPORT OF THE GOVERNMENT AND WILL BE OPPOSED IN PARLIAMENT ONLY BY THE CONSERVATIVE PARTY.

12. WITH ONE POSSIBLE EXCEPTION, NO OTHER MEASURES UNDER CONSIDERATION ARE LIKELY TO RESULT IN LEGISLATION DURING THIS SESSION WHICH ENDS IN JUNE, WITH PARLIAMENT NOT MEETING IN FULL SESSION AGAIN UNTIL NEXT JANUARY. BUT WE UNDERSTAND THAT THERE HAS BEEN DISCUSSION IN THE NATIONAL PARTY CAUCUS ABOUT TRYING TO COMPLETE SOME FURTHER LEGISLATIVE ACTION BEFORE PARLIAMENT RISES. ONE POSSIBILITY BEING CONSIDERED IS REPEAL OF THE PROHIBITION OF POLITICAL INTERFERENCE ACT WHICH PRECLUDES MEMBERS OF DIFFERENT RACE GROUPS FROM APPEARING LEGALLY ON THE SAME PLATFORM AT PARTY POLITICAL MEETINGS AND FROM JOINING THE SAME POLITICAL PARTIES.

UITENHAGE ENQUIRY

13. HANDLING THE KANNEMEYER REPORT ON THE DEATHS AT UITENHAGE WILL ALSO BE A MAJOR TEST FOR THE GOVERNMENT. THE ENQUIRY IS LIKELY TO LAST ANOTHER TWO WEEKS OR SO. COUNSEL FOR THE FAMILIES OF BLACKS WHO DIED HAVE BEEN GIVEN FULL OPPORTUNITY TO CROSS-QUESTION AND SUMMON WITNESSES AND ARE OPTIMISTIC THAT THERE WILL BE A FAIR FINDING. THE GOVERNMENT'S WILLINGNESS TO HAVE THE ENQUIRY CONDUCTED IMMEDIATELY AND IN PUBLIC IS TO THEIR CREDIT. BUT THEY MAY BE HARD PRESSED TO RESPOND CONVINCINGLY IF THE FINDINGS ARE CRITICAL OF GOVERNMENT AND POLICE ACTIONS.

FCO PLEASE PASS SAVING TO MBABANE, MASERU, GABORONE, MAPUTO.

MOBERLY

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THE PRIME MINISTER

**PRIME MINISTER'S**

18 April 1985

**PERSONAL MESSAGE**

**SERIAL No. T 72/85**

cc MASTER  
OPS

Dear Kenneth,

I have had a full report from Ewen Fergusson of the very thorough discussion which you had with him in Lusaka and of your views for how the aspirations which we share for a peaceful evolution in South Africa might be carried forward.

I agree with you that there must be a genuine dialogue between black people and the South African Government. As you know, I have already pressed President Botha for the unconditional release of Mr. Nelson Mandela and I would hope that, if he were freed, his powerful influence would be placed clearly on the side of moderation and against violence. We cannot overlook, however, the difficulty which his refusal to renounce violence, however understandable in the South African context, presents President Botha. Faith and great goodwill are required and I hope that your intention of enlisting the support of His Holiness The Pope can be the key to unlocking the present impasse.

I shall study with care your suggestion that we, and other Western countries, might consider some evolution in our attitude to, and relationship with, the African National Congress, again with the intention of exerting our influence in favour of moderation. This is a complicated matter and you will not, I know, expect me to react immediately.

With best wishes,

Yours ever  
Margaret

His Excellency Dr. Kenneth D. Kaunda.

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FROM WASHINGTON 170045Z APR 85

TO PRIORITY FCO

TELEGRAM NO 1282 OF 16 APRIL

INFO PRIORITY CAPE TOWN ROUTINE LUANDA MAPUTO HARARE GABORONE

LUSAKA DAR ES SALAAM

INFO SAVING: UKMIS NEW YORK BONN OTTAWA PARIS MOSCOW TOKYO ROME

US/SOUTH AFRICA

SUMMARY

1. MAJOR RESTATEMENT BY SHULTZ OF US POLICY TOWARDS SOUTH AFRICA. NO HINT OF ANY CHANGE IN CONSTRUCTIVE ENGAGEMENT. CROCKER'S STRATEGY COMPREHENSIVELY ENDORSED, BUT APPEAL FOR CONSENSUS SUPPORT UNLIKELY TO CONVINC THE CRITICS.

DETAIL

2. IN A MAJOR POLICY SPEECH AT THE NATIONAL PRESS CLUB ON 16 APRIL (COPY BY BAG) SHULTZ PRESENTED A CLEAR AND UNAMBIGUOUS RESTATEMENT OF US POLICY TOWARDS SOUTH AFRICA, COUPLED WITH A STRONG PITCH FOR A DOMESTIC CONSENSUS IN ORDER TO MAKE THE MOST OF US INFLUENCE.
3. APARTHEID, SHULTZ SAID, WAS NOT ONLY MORALLY INDEFENSIBLE BUT IN THE LONG RUN UNSUSTAINABLE. CHANGE WAS INEVITABLE, BUT BLOODSHED AND DESTRUCTION WOULD BE A TRAGEDY FOR ALL SOUTHERN AFRICANS. ANY POLICY WHICH IGNORED SOUTH AFRICA'S REGIONAL ROLE WAS OUT OF TOUCH WITH REALITY. HITHERTO, INSTABILITY HAD PLAYED INTO SOVIET HANDS, BUT MORE AND MORE AFRICANS NOW LOOKED TO THE US AND THE WEST FOR HELP IN ADDRESSING THE CHALLENGES OF REGIONAL PEACE AND ECONOMIC SURVIVAL. BUT THE US COULD NOT RESPOND WITHOUT A WORKING RELATIONSHIP WITH ALL THE PARTIES.
4. SHULTZ ARGUED THAT THE REAGAN ADMINISTRATION HAD ALREADY HAD MUCH SUCCESS IN ACCELERATING PEACEFUL EVOLUTION IN SOUTH AFRICA AND REDUCING REGIONAL INSTABILITY, DESPITE THE DAUNTING COMPLEXITIES. THERE HAD BEEN MORE REFORM IN SOUTH AFRICA IN THE PAST FOUR YEARS THAN IN THE PREVIOUS THIRTY. THERE WAS LESS CROSS BORDER-VIOLENCE NOW THAN THERE HAD BEEN IN ELEVEN YEARS. THROUGH PAINSTAKING DIPLOMACY, A POINT HAD BEEN REACHED WHERE THE REGIONAL AGENDA THAT THE US HAD PROPOSED WAS ACCEPTED BY ALL PARTICIPANTS: AND WHERE THE US, NOT THE SOVIET UNION, HAD A MAJOR SAY IN HELPING TO SHAPE THE REGION'S POLITICAL FUTURE. BUT THE GAINS WERE FRAGILE.
5. SOUTH AFRICA WAS NOT A CLOSED, TOTALITARIAN SOCIETY. THERE WERE GROUNDS FOR HOPING FOR PEACEFUL CHANGE, AND THE US HAD CHOSEN TO FOCUS ON GETTING RESULTS. THE US COULD NOT INFLUENCE PEOPLE IF IT TREATED THEM AS MORAL LEPERS. SOUTH AFRICA'S NEIGHBOURS RECOGNISED THIS: AMERICANS SHOULD RECOGNISE IT AS WELL.

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BUT THIS APPROACH HAD NOT STOPPED THE US FROM SPEAKING OUT AGAINST APARTHEID AND REPRESSION, WHILE ENCOURAGING DIALOGUE AND POSITIVE CHANGE, OR FROM TELLING THE SOUTH AFRICAN GOVERNMENT THAT A MORE CONSTRUCTIVE RELATIONSHIP WAS ONLY POSSIBLE IF THERE WERE A SUSTAINED COMMITMENT TO MOVEMENT TOWARDS A MORE JUST SOCIETY. IN THE PAST THREE YEARS THE WHITE GOVERNMENT HAD CROSSED A HISTORICAL DIVIDE. THE CHANGES ALREADY MADE WERE NOT SUFFICIENT, AND MUCH MORE REMAINED TO BE DONE, BUT THE PROCESS HAD BEGUN. IT WAS THE JOB OF THE US TO CONTINUE TO ENCOURAGE IT, DESPITE THE CLEAR SETBACK OF THE RECENT DOMESTIC VIOLENCE, WHICH THE US HAD CONSISTENTLY DEPLORED: THERE WAS NO EXCUSE FOR OFFICIAL VIOLENCE AGAINST PEACEFUL DEMONSTRATIONS.

6. SUMMARISING REGIONAL PROGRESS ENCOURAGED BY THE US, SHULTZ POINTED TO THE NKOMATI ACCORD, PEACE BETWEEN ANGOLA AND SOUTH AFRICA, UNDERSTANDINGS BETWEEN SOUTH AFRICA AND LESOTHO AND BOTSWANA, AND THE FACT THAT US DIPLOMACY, IN CONCERT WITH KEY WESTERN ALLIES, HAD BROUGHT NAMIBIA CLOSER TO INDEPENDENCE THAN EVER BEFORE (BUT STILL ON THE BASIS OF SCR 435). THE US HAD ALSO HELPED TO MOVE MOZAMBIQUE AWAY FROM DEPENDENCE ON THE SOVIET CAMP: US/MOZAMBIQUE RELATIONS WERE DEVELOPING POSITIVELY AND NEEDED FURTHER ENCOURAGEMENT.

7. AGAINST THIS BACKGROUND, SHULTZ MAINTAINED THAT SOUTHERN AFRICA WAS UNMISTAKABLY UNDERGOING TRANSFORMATION. US POLICY WAS NOT SIMPLY REINFORCING THE STATUS QUO. THE US WAS ENGAGED AS A FORCE FOR PEACE AND FOR CONSTRUCTIVE CHANGE AND WOULD NOT BE DEFLECTED. TO ARGUE, FOR EXAMPLE, THAT THE US SHOULD HAVE NOTHING TO DO WITH MARXIST REGIMES IGNORED REALITY. IN ANGOLA, THE US CONGRESS HAD ALL BUT ENACTED THE BREZHNEV DOCTRINE INTO AMERICAN LAW BY BARRING US SUPPORT FOR ANGOLANS OPPOSED TO SOVIET/CUBAN INTERVENTION. UNITA HAD SINCE STEADILY GROWN IN STRENGTH AND TERRITOR

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IAL CONTROL, BUT THE US DID NOT BELIEVE THAT ANGOLA'S AGONY COULD BE RESOLVED MILITARILY. US DIPLOMACY HAD THEREFORE SOUGHT CONSTRUCTIVE ALTERNATIVES, FOCUSING ON THE RELATED QUESTIONS OF NAMIBIAN INDEPENDENCE AND CUBAN TROOP WITHDRAWAL: THE PRINCIPLE OF A REGIONAL SETTLEMENT HAD BEEN ACCEPTED AND THE NEXT STEP WAS TO AGREE ON SPECIFICS. THE INDEPENDENCE OF NAMIBIA, AND THE REMOVAL OF FOREIGN INTERVENTION FROM THE ANGOLAN EQUATION, COULD SET THE STAGE FOR ALL ANGOLANS TO WORK OUT THEIR OWN FUTURE AND ACHIEVE RECONCILIATION. MOZAMBIQUE, MEANWHILE, HAD MOVED TOWARDS CO-EXISTENCE WITH SOUTH AFRICA IN ITS OWN NATIONAL INTERESTS: THIS IN TURN OFFERED AN OPENING FOR IMPROVED RELATIONS WITH THE WEST, WHICH THE US HAD SEIZED. THOSE WHO BELIEVED THAT THE US SHOULD REFUSE TO DEAL WITH ANGOLA AND MOZAMBIQUE WERE AS MISTAKEN AS THOSE WHO BELIEVED THE US SHOULD CUT ALL TIES WITH THE GOVERNMENT OF SOUTH AFRICA BECAUSE OF ITS RACIAL POLICIES. US ABILITY TO INFLUENCE CHANGE IN THE REGION WOULD NOT BE ENHANCED IF THE US ELIMINATED ITSELF AS AN ACTOR.

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8. SHULTZ EXPLICITLY REJECTED SANCTIONS: THEY WOULD BE INEFFECTUAL, AND MORE LIKELY TO STRENGTHEN RESISTANCE TO CHANGE THAN TO PROMOTE REFORM. THEY WOULD HARM THE BLACK MAJORITY. WHY WAS IT RIGHT FOR US INVESTORS TO CREATE JOBS, ENCOURAGE THE DEVELOPMENT OF A BLACK MIDDLE-CLASS OR PROMOTE THE SOCIAL AND EDUCATIONAL ADVANCEMENT OF BLACK WORKERS ELSEWHERE IN AFRICA, BUT NOT IN SOUTH AFRICA? EVEN THE LESS STRINGENT OF THE MEASURES PRESENTLY BEFORE CONGRESS WOULD ENCOURAGE US FIRMS TO WITHDRAW FROM SOUTH AFRICA. THE RESULT WOULD BE REDUCED US INFLUENCE.

9. SHULTZ CONCLUDED THAT THE ONLY COURSE CONSISTENT WITH US VALUES WAS TO REMAIN ENGAGED. IT WAS NOT FOR THE US TO ENCOURAGE POLARISATION OR EXACERBATE HARDSHIP. BUT A CLEAR BI-PARTISAN AMERICAN VOICE THAT REJECTED APARTHEID WAS AN ESSENTIAL ELEMENT. THE US SHOULD INDEED BE INDIGNANT ABOUT INJUSTICE AND BLOODSHED, BUT INDIGNATION ALONE WAS NOT A STRATEGY. AMERICANS SHOULD THEREFORE AGREE THAT SOUTHERN AFRICA REQUIRED US ATTENTION: THAT THE PACE OF CHANGE THROUGHOUT THE REGIONAL DEPENDED UPON PEACE AND STABILITY: THAT APARTHEID MUST GO: THAT PROMOTING REAL PROGRESS WAS BETTER THAN POSTURING: THAT ECONOMIC AND SOCIAL ADVANCEMENT RESULTED FROM A PRODUCTIVE PRIVATE SECTOR: AND THAT THE US SHOULD ALWAYS BE ON THE SIDE OF THOSE SEEKING PEACEFUL CHANGE.

COMMENT

10. THIS WAS A FULL-SCALE DEFENCE OF CONSTRUCTIVE ENGAGEMENT, WITH NO CONCESSIONS TO THE POLICY'S CRITICS, AND NO SUGGESTION OF A CHANGE, ON DEVELOPMENT, OF THE POLICY EVEN HINTED AT. CROCKER WILL WELCOME SUCH EXPLICIT BACKING: BUT, DESPITE THE APPEAL FOR CONSENSUS SUPPORT, THE SPEECH IS UNLIKELY TO CHANGE THE MINDS EITHER OF THOSE WHO ARE CRITICISING THE POLICY FOR BEING INSUFFICIENTLY TOUGH ON THE SOUTH AFRICANS OR OF THOSE WHO CRITICISE IT FOR BEING TOO FRIENDLY TO MARXIST REGIMES. BUT IT SHOULD PROVIDE A RALLYING CRY AND A QUARRY FOR ARGUMENTS FOR THOSE WHO WISH TO RESIST ECONOMIC SANCTIONS AND SUPPORT THE MIDDLE COURSE ADVOCATED BY THE ADMINISTRATION.

11. THE SOUTH AFRICANS WILL FIND MUCH OF THE RHETORIC DISAGREEABLE: BUT THE SUBSTANCE WAS VERY HELPFUL TO THEM. THE REFERENCES TO UNITA WERE WARM BUT SHULTZ WAS CAREFUL TO MAKE RECONCILIATION WITH THE MPLA NOT A CONDITION FOR A REGIONAL SETTLEMENT BUT MERELY SOMETHING THE US HOPED WOULD FOLLOW FROM IT, AND WHICH HAD TO BE ACHIEVED BY THE ANGOLANS THEMSELVES. THE PLUG FOR SUPPORTING MACHEL WAS VERY FIRM.

FCO PASS SAVING TO: BONN OTTAWA PARIS MOSCOW TOKYO ROME  
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Foreign and Commonwealth Office

London SW1A 2AH

17 April 1985

Dear Charles,

President Kaunda

Ewen Fergusson flew to Lusaka on Saturday night 13 April and was received by President Kaunda on Monday morning 15 April for a three-hour conversation followed by lunch. Fergusson took the opportunity to give President Kaunda the Prime Minister's personal greetings and said that she was looking forward to seeing him in October at CHOGM. He said repeatedly how grateful he was to her for having sent a personal emissary.

Most of the discussion has been reported summarily in Lusaka telno 192, a copy of which I enclose. In addition, President Kaunda made one point, which he emphasised was strictly for the Prime Minister's personal information. In referring to the importance of securing the unconditional release of Mandela as a potential focus for moderate black aspirations, he acknowledged the difficulty which President P W Botha faced because of Mandela's refusal to renounce violence. He had therefore approached the Pope in the hope that a papal appeal to Botha for Mandela's early unconditional release, accompanied by a prayer that Mandela, if released, would not pursue the path of violence, would be enough to get P W Botha off the hook. Kaunda suggested that he was enlisting the support of other African leaders in the region in exercising a moderating influence on Mandela. Kaunda recognised, however, that this would not inhibit Tambo and the ANC outside South Africa from pursuing their existing policies.

In the light of recent developments in South Africa, we are reviewing our policy towards the ANC; the sensitivity of the issues involved are obvious and the Foreign Secretary has not yet come to any conclusion. It would therefore be premature to give any substantive reaction to President Kaunda. It is important, however, that he should not feel that his approach has been treated cavalierly, and I am therefore enclosing a short message which the Prime Minister may like to send him.

Yours ever,  
*Le Appleyard*  
(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street

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President Kaunda  
from  
PM

DRAFT MESSAGE

I have had a full report from Ewen Fergusson of the very thorough discussion which you had with him in Lusaka and of your views for how the aspirations which we share for a peaceful evolution in South Africa might be carried forward.

I agree with you that there must be a genuine dialogue between black people and the South African Government. As you know, I have already pressed President Botha for the unconditional release of Mr Nelson Mandela and I would hope that, if he were freed, his powerful influence would be placed clearly on the side of moderation and against violence. We cannot overlook, however, the difficulty which his refusal to renounce violence, however understandable in the South African context, presents President Botha. Faith and great goodwill are required and I hope that your intention of enlisting the support of His Holiness The Pope can be the key to unlocking the present impasse.

I shall study with care your suggestion that we, and other Western countries, might consider some evolution in our attitude to, and relationship with, the African National Congress, again with the intention of exerting our influence in favour of moderation. This is a complicated matter and you will not, I know, expect me to react immediately.

With best wishes

C/M



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TO IMMEDIATE FCO  
TELNO 192 OF 15 APR  
INFO PRIORITY WASHINGTON

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**PRESIDENT KAUNDA'S MESSAGE: MY TELNO 187.**

1. KAUNDA SAW FERGUSSON AND MYSELF TODAY, FOR SOME FOUR HOURS INCLUDING LUNCH, AFTER EXPRESSING WARM THANKS TO THE PRIME MINISTER FOR SENDING HER EMISSARY, SO THAT HE COULD SHARE THINKING PRIOR TO CHOGM, HE GAVE A LENGTHY HISTORICAL SURVEY AIMED AT ESTABLISHING HIS OWN CREDENTIALS AS A JUDGE OF THE AFRICAN SITUATION, HIS FEAR THAT TIME WAS VERY SHORT, AND HIS THESIS THAT NATIONALIST MOVEMENTS TURN MARXIST IF WRONGLY HANDLED BY THE WEST. "COMMUNISM IS AN EFFECT, NOT A CAUSE: THEIR PHILOSOPHY COMES WITH THEIR WEAPONS". THE PRIME MINISTER HAD ONCE SAID A PRICE MUST BE PAID FOR CHANGE. HOW COULD WE MAKE THAT PRICE IN SOUTH AFRICA LESS COSTLY IN LIVES AND PROPERTY?

2. KAUNDA BELIEVED THE WEST MUST NOW MAKE IMPORTANT CHANGES IN ITS STRATEGY. "I AM ASKING HMG TO RECOGNISE ANC - FULLY" (BUT SEE 3C BELOW). THE WEST (HE MENTIONED UK, US, FRANCE, WEST GERMANY ITALY AND PORTUGAL) MUST NOT FALL BEHIND SOVIET UNION. "THE ANC IS THE POWER OF TOMORROW. HELP SHAPE THEM TO BECOME A FORCE FOR GOOD". MANDELA MUST BE RELEASED, AND UNCONDITIONALLY, FOR BOTHA NEEDED A STRONG MANDELA WHO COMMANDED CONFIDENCE AMONGST THE AFRICAN MASSES. CONDITIONALITY WOULD FATALLY WEAKEN HIM.

3. FERGUSSON THANKED KAUNDA FOR HIS EXPOSITION AND UNDERTOOK TO REPORT FULLY TO THE PRIME MINISTER. IN 45 MINUTES OF QUESTIONING THE FOLLOWING POINTS EMERGED.

A) FERGUSSON ASKED WHETHER KAUNDA SENSED THAT BOTHA WAS TRYING TO FIND A WAY TO RELEASE MANDELA. KAUNDA AGREED: IF A WAY COULD BE CONTRIVED TO HELP BOTHA OFF THE HOOK, AFRICAN LEADERS COULD SEND MESSAGES TO A FREED MANDELA SUPPORTING CALLS FOR PEACEFUL PROGRESS.

B) FERGUSSON EXPLAINED THE REAL DIFFICULTIES IN EXTENDING RECOGNITION TO THE ANC, QUOTING OUR OPPOSITION TO VIOLENCE AS AN INSTRUMENT OF POLITICAL CHANGE (E.G. IN NORTHERN IRELAND). KAUNDA SAID THERE WAS NO EQUATION WITH THE IRA, WHOSE VIOLENCE (HE SPOKE OF THE CONSERVATIVE CONFERENCE BOMB) HE DEPLORED. "THE MAJORITY IS THE YARDSTICK". THE MAJORITY IN NORTHERN IRELAND WERE WELL ESTABLISHED. IN SOUTH AFRICA THEY WERE DENIED RIGHTS. FERGUSSON ALSO QUERIED WHETHER, IF BOTHA WERE SEEKING UNOBTRUSIVELY TO MAKE CONTACT WITH THE ANC, A HIGHER WESTERN PROFILE WOULD HELP OR HINDER HIM. KAUNDA DID NOT COVER THIS IN HIS ANSWERS.

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C) HE THEN SAID HMG MUST DECIDE WHERE THEIR FUTURE INTERESTS LIE. THIS MEANT ESTABLISHING SOME RELATIONSHIP WITH THE ANC. BETTER DIRECTLY, BUT IF NOT, THEN INDIRECTLY THROUGH THE INTELLIGENCE SERVICES.

D) KAUNDA IS CONFIDENT THAT THE ANC POLITICAL WING CONTROLS THE MILITARY. HE ALSO BELIEVES MANDELA HAS THE PERSONALITY AND INTELLECTUAL CAPACITY TO BE EFFECTIVE, IF RELEASED.

E) FERGUSSON QUERIED THE COMMUNIST AFFILIATIONS OF SOME ANC. KAUNDA SAID THEY WERE A MIXED BAG, AND REITERATED HIS BELIEF THAT IT WAS PRIMARILY WESTERN MISMANAGEMENT THAT MADE MARXISTS OF NATIONALISTS.

F) FERGUSSON SPOKE OF THE RELATIONSHIP BETWEEN POSSIBLE POLITICAL CHANGE AND THE CONSEQUENTIAL ECONOMIC DAMAGE (IF WHITE CONFIDENCE FAILED) TO SOUTH AFRICA AND HER NEIGHBOURS. KAUNDA'S REPLY WAS A LITTLE DIFFUSE. HE AGREED THE POINT WAS VERY IMPORTANT, BUT SEEMED TO BE SAYING THAT A DECISION TO SET OFF THE EXPLOSION LAY WITH THE MASSES OF SOUTH AFRICA, WHO WOULD WEIGH THE ECONOMIC CONSEQUENCES AGAINST THEIR PRESENT SUFFERING. HIS IMPLICATION SEEMED TO BE THAT THE ECONOMIC DAMAGE DONE BY AN EXPLOSION CAUSED BY DELAY IN THE POLITICAL PROCESS COULD BE GREATER THAN THAT WHICH MIGHT OCCUR SHOULD THE ANC PURSUE RADICAL ECONOMIC POLICIES AFTER THEY HAD GAINED POWER. HE DID NOT ADVOCATE ECONOMIC SANCTIONS.

4. I HAVE COMPARED NOTES WITH THE US CHARGE, WHO WAS PRESENT AT THE WALTERS/WISNER DISCUSSION. KAUNDA'S THEME WAS MUCH THE SAME FOR US BOTH, AND HE INDICATED HE MAY BE CONTACTING OTHERS.

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TO IMMEDIATE CAPE TOWN

TELEGRAM NUMBER 068 OF 04 APRIL

MESSAGE TO PRESIDENT BOTHA

1. PLEASE PASS THE FOLLOWING MESSAGE FROM THE PRIME MINISTER TO PRESIDENT BOTHA AS SOON AS POSSIBLE. SIGNED LETTER FOLLOWS BY BAG.

BEGINS: I AM WRITING TO LET YOU KNOW ABOUT THE DISCUSSION WHICH I HAD WITH PRESIDENT MACHEL IN MOSCOW ON 13 MARCH. I KNOW THERE HAVE BEEN IMPORTANT DEVELOPMENTS SINCE THEN. BUT I WAS IMPRESSED BY PRESIDENT MACHEL'S OBVIOUSLY DEEP CONCERN ABOUT THE FAILURE OF THE NKOMATI ACCORD TO LEAD TO A REDUCTION IN THE LEVEL OF OPERATIONS BY RENAMO. HE SAID THAT THE SITUATION HAD DETERIORATED AND THAT HE COULD SEE NO PRACTICAL ACHIEVEMENTS WHICH THE ACCORD HAD BROUGHT. I THINK IT IS RIGHT FOR ME TO ADD THAT PRESIDENT MACHEL FELT STRONGLY THAT SOUTH AFRICA WAS NOT DOING ENOUGH, THOUGH HE EMPHASISED HIS CONFIDENCE IN YOUR OWN PERSONAL SUPPORT.

I BELIEVE THAT PRESIDENT MACHEL IS STILL COMMITTED TO NKOMATI AND HE CLEARLY CONTINUES TO LOOK TO THE WEST FOR HELP. BUT THERE IS A RISK THAT THE CREDIBILITY OF NKOMATI IS WEAKENING. LIKE YOU, I AM CONVINCED THAT IT REMAINS A MAJOR WESTERN INTEREST TO KEEP THE ACCORD IN BEING, TO WORK FOR IMPROVED INTERNAL SECURITY IN MOZAMBIQUE AND TO FOSTER ECONOMIC RECONSTRUCTION THERE.

I KNOW THAT YOU HAVE TAKEN A NUMBER OF IMPORTANT STEPS. I WAS PLEASED TO LEARN ABOUT YOUR SUCCESS IN BREAKING A RENAMO COUNTERFEIT AND SMUGGLING GROUP, AND ALSO ABOUT YOUR DECISION TO ESTABLISH AN AIR EXCLUSION ZONE WITH RADAR MONITORING ON YOUR BORDER WITH MOZAMBIQUE, AS WELL AS OTHER HELPFUL MEASURES. WE FOR OUR PART HAVE BEEN ACTIVE THROUGH ECONOMIC ASSISTANCE, SOME MILITARY TRAINING, AND A CONSIDERABLE AMOUNT OF POLITICAL PRESSURE AGAINST THE ARMS SUPPLY TO RENAMO.

Private Office  
WH128  
761/85



CONFIDENTIAL

10346 - 1

I AM BOUND TO SAY, HOWEVER, THAT MORE NEEDS TO BE DONE IF THE NKOMATI PROCESS IS TO BE MADE IRREVERSIBLE. THE MAIN NEEDS AT THIS STAGE SEEM TO BE TO STOP THE FLOW OF ARMS TO RENAMO AND TO STRENGTHEN THE MOZAMBICAN ARMY. WE ARE CONSIDERING WHAT FURTHER CONTRIBUTION WE CAN MAKE. I AM SURE YOU ARE DOING THE SAME. IT IS VITAL THAT REAL PROGRESS IS MADE IN CURTAILING RENAMO OPERATIONS SOON. I HOPE WE CAN KEEP IN TOUCH ON THIS IMPORTANT ISSUE.

I CANNOT WRITE WITHOUT TELLING YOU OF MY GRAVE CONCERN AT THE SHOOTINGS WHICH OCCURRED AT UITENHAGE ON 21 MARCH. I AM SURE YOU APPRECIATE THE DAMAGE WHICH SUCH INCIDENTS DO TO SOUTH AFRICA HERE AND ELSEWHERE IN THE WEST: I WELCOME YOUR DECISION TO APPOINT A JUDICIAL COMMISSION OF ENQUIRY. INCIDENTS SUCH AS THIS CAN ONLY OVERSHADOW OTHER DEVELOPMENTS IN SOUTH AFRICA, AND MAKE IT HARDER FOR THOSE COUNTRIES WHICH, LIKE THE UK, HAVE RECOGNISED THEM AS HOPEFUL AND TO BE ENCOURAGED.

I PARTICULARLY HAVE IN MIND YOUR SPEECH OF 25 JANUARY OPENING THE NEW SOUTH AFRICAN PARLIAMENT AND THE READINESS FOR A WIDER DIALOGUE WITH SOUTH AFRICA'S BLACK COMMUNITY WHICH IT DISPLAYED. I HAVE ALSO NOTED OTHER RECENT DEVELOPMENTS, INCLUDING THE EXTENSION OF 99-YEAR LEASEHOLD RIGHTS TO BLACKS IN THE CAPE AREA, AND THE ANNOUNCEMENT BY DR VILJOEN THAT FORCED REMOVALS WOULD BE SUSPENDED PENDING A REVIEW OF GOVERNMENT POLICY. I BELIEVE HE REFERRED SPECIFICALLY TO THE CASE OF THE KWANGEMA PEOPLE, AMONG OTHERS. I VERY MUCH HOPE THAT YOUR REVIEW WILL RESULT IN A DECISION WHICH HAS THE SUPPORT OF THE PEOPLE OF KWANGEMA AS A WHOLE, AND MEETS THEIR CLEARLY EXPRESSED WISH NOT TO BE MOVED FROM THE AREA THEY AT PRESENT OCCUPY.

I SEND YOU BEST WISHES. ENDS.

HOWE



11 APR 1985

10 11 12 1  
9 8 7 6 5 4  
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16

10 DOWNING STREET

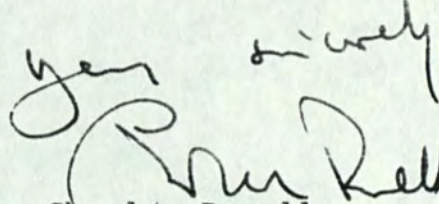
From the Private Secretary

4 April 1985

Dear Colin,

Message to President Botha

BF 11 I enclose a signed copy of the Prime Minister's message to President Botha. I should be grateful if it could be despatched by telegram.

Yours sincerely  
  
Charles Powell

Colin Budd Esq  
Foreign and Commonwealth Office.

16



CONFIDENTIAL

SUBJECT  
cc Master  
Ops.



*cc'd*  
PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T 61/85

10 DOWNING STREET

THE PRIME MINISTER

4 April 1985

*Dear Mr. President,*

I am writing to let you know about the discussion which I had with President Machel in Moscow on 13 March. I know there have been important developments since then. But I was impressed by President Machel's obviously deep concern about the failure of the Nkomati Accord to lead to a reduction in the level of operations by Renamo. He said that the situation had deteriorated and that he could see no practical achievements which the Accord had brought. I think it is right for me to add that President Machel felt strongly that South Africa was not doing enough, though he emphasised his confidence in your own personal support.

I believe that President Machel is still committed to Nkomati and he clearly continues to look to the West for help. But there is a risk that the credibility of Nkomati is weakening. Like you, I am convinced that it remains a major Western interest to keep the Accord in being, to work for improved internal security in Mozambique and to foster economic reconstruction there.

I know that you have taken a number of important steps. I was pleased to learn about your success in breaking a Renamo counterfeit and smuggling group, and also about your decision to establish an air exclusion zone with radar monitoring on your border with Mozambique, as well as other helpful measures. We for our part have been active through economic assistance, some military training, and a considerable amount of political pressure against the arms

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supply to Renamo.

I am bound to say, however, that more needs to be done if the Nkomati process is to be made irreversible. The main needs at this stage seem to be to stop the flow of arms to Renamo and to strengthen the Mozambican Army. We are considering what further contribution we can make. I am sure you are doing the same. It is vital that real progress is made in curtailing Renamo operations soon. I hope we can keep in touch on this important issue.

I cannot write without telling you of my grave concern at the shootings which occurred at Uitenhage on 21 March. I am sure you appreciate the damage which such incidents do to South Africa here and elsewhere in the West: I welcome your decision to appoint a judicial commission of enquiry. Incidents such as this can only overshadow other developments in South Africa, and make it harder for those countries which, like the UK, have recognised them as hopeful and to be encouraged.

I particularly have in mind your speech of 25 January opening the new South African Parliament and the readiness for a wider dialogue with South Africa's black community which it displayed. I have also noted other recent developments, including the extension of 99-year leasehold rights to blacks in the Cape area, and the announcement by Dr Viljoen that forced removals would be suspended pending a review of Government policy. I believe he referred specifically to the case of the KwaNgema people, among others. I very much hope that your review will result in a decision which has the support of the people of KwaNgema as a whole, and meets their clearly expressed wish not to be moved from the area they at present occupy.

I send you best wishes.

*Yours sincerely*  
*Ronald Thatcher*

The Honourable P W Botha DMS



csl



Foreign and Commonwealth Office

London SW1A 2AH

3 April 1985

*Dear Charles,*Mozambique/South Africa

/

As requested in your letter of 21 March, I enclose a draft letter from the Prime Minister to President Botha. It is on the lines requested, except that we have omitted any reference to her recent discussions with President Nyerere, since President Botha is not likely to find his views persuasive. It takes into account the efforts which the South Africans have made since the Prime Minister's meeting with President Machel to reassure him of their commitment to Nkomati (third paragraph of the draft).

The Foreign Secretary thinks it would be useful if the Prime Minister's letter to President Botha also touched on internal developments in South Africa. He feels that the Prime Minister should take this opportunity to raise once more with President Botha the question of the KwaNgema Community. My letter of 28 February to you summarised recent developments on this issue. There has been one further development since then.

Following a dispute between the KwaNgema people and the South African authorities about who should be the recognised leader of the community, the Community challenged the South African preference for Mr Cuthbert Ngema in court. The Pretoria Supreme Court recently dismissed their application, in spite of the Community's belief that Cuthbert Ngema did not represent the majority of opinion, in particular over the question of removal. Since Dr Viljoen's recent statement made clear that removals would go ahead in cases where an agreement could be reached with the Community concerned, it is possible that the South African authorities may see the Pretoria Court decision as opening the way for an agreement with Cuthbert Ngema on behalf of the KwaNgema Community. We have tried, unsuccessfully, to clarify the position with the South African Embassy here. On the other hand Dr Viljoen told our Ambassador recently that he personally thought the policy review should allow KwaNgema to stay.

/ ...



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In the circumstances, the Foreign Secretary thinks the Prime Minister could usefully reiterate her concern that KwaNgema should be settled in accordance with the wishes of the majority of its people. The draft letter reflects this, setting the question of KwaNgema in the context of other recent developments in South Africa. The Foreign Secretary considers it is right for the Prime Minister to comment positively on some of these. But the Foreign Secretary thinks it would be wrong not to comment on the shootings at Uitenhage, which the Government have roundly condemned. In doing this the Prime Minister could emphasise to President Botha the difficulties which such events create for Governments (primarily the UK and US) in the West who have been ready, against the run of international opinion, to acknowledge publicly that some progress, however limited, is being made.

Your letter of 21 March also asked us to let you have as soon as possible recommendations, coordinated with the MOD, on whether there is any help we can give to President Machel in the military field. We are pursuing this with the MOD. I shall write again as soon as our study is completed.

I am sending copies of this letter to Richard Mottram (Ministry of Defence) and Richard Hatfield (Cabinet Office).

*Yours ever,  
Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

CONFIDENTIAL



MOZAMBIQUE: Relations: Aug 79.



DSR 11 (Revised)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:  
Prime Minister

Reference

DEPARTMENT: TEL. NO:

SECURITY CLASSIFICATION

TO:  
President P W Botha

Your Reference

513ads

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

I am writing to let you know about the discussion which ~~the Foreign Secretary~~ and I had with President Machel in Moscow on 13 March. I know there have been ~~a~~ number of important developments since then, But I was impressed by President Machel's obviously deep concern about the failure of the Nkomati Accord to lead to a reduction in the level of operations by Renamo. He said that the situation had deteriorated and that he could see no practical achievements which the Accord had brought. I think it is right for me to add that President Machel felt strongly that South Africa was not doing enough, though he emphasised his confidence in your own personal support.

CAVEAT.....

I believe that President Machel is still committed to Nkomati and he clearly continues to look to the West for help. There is a risk that But the credibility of Nkomati is weakening. Like you, I am convinced that it remains a major Western interest to keep the Accord in being, to work

Enclosures—flag(s).....

/for



for improved internal security in Mozambique and to foster economic reconstruction there.

I know that you have taken a number of important steps. I was ~~very~~ pleased to learn about your success in breaking a Renamo counterfeit and smuggling group, and also about your decision to establish an air exclusion zone with radar monitoring on your border with Mozambique, as well as other helpful measures. We for our part have been active through economic assistance, some military training, and a considerable amount of political pressure against the arms supply to Renamo.

*am bound to say, however, that* I cannot help but feel that a good deal more *needs* to be done if we are to ~~make~~ the Nkomati process *is to be made irreversible* success. The main needs at this stage seem to be to ~~staunch~~ *stop* the arms *(of arms to Renamo)* flow and to strengthen the Mozambican Army. We are considering what further contribution we can make. I am sure you are doing the same. It is vital for ~~the credibility of~~ Nkomati that *real* ~~some~~ progress is made in curtailing Renamo operations soon. I hope we can keep in touch on this important issue.

I cannot write without telling you of my ~~shock~~ *grave concern* at the shootings which occurred at Uitenhage on 21 March. I am sure you appreciate the damage which such incidents do to South Africa here and elsewhere in the West. I welcome *your decision to appoint* the judicial commission of enquiry you ~~have appointed~~. Incidents such as this can only overshadow other developments in South

/ Africa,



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Africa, and make it harder for those countries which, like the UK, have recognised them as hopeful and to be encouraged.

I particularly have in mind your speech of 25 January opening the new South African Parliament. ~~I welcome the flexibility~~ and the readiness for a wider dialogue with South Africa's black community which it displayed. I have also noted other recent developments, including the extension of 99-year leasehold rights to blacks in the Cape area, and the announcement by Dr Viljoen that forced removals would be suspended pending a review of Government policy. I believe he referred specifically to the case of the KwaNgema people, among others. I very much hope that your review will result in a decision which has the support of the people of KwaNgema as a whole, and meets their clearly expressed wish not to be moved from the area they at present occupy.

Although we still have some bilateral problems between us, I hope we can work together whenever that would contribute to the peaceful resolution of the problems of your region.

I send you best wishes,

Ch:

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33 APR 1985  
14





CDP has told FCO

→ Mr Powell

(No. 10)

Agreed to amended MK.



DRAFT

STATEMENT TO BE MADE AT FCO PRESS CONFERENCE ON 22 MARCH, IN THE NAME OF THE FOREIGN SECRETARY

I have been deeply shocked by the shootings which took place in South Africa ~~last a matter of the greatest concern~~ yesterday. I join with others in condemning this ~~totally~~ indefensible action by the South African Police, and extend to the families of the victims my deepest sympathy.

That appeared on news feed

Yesterday's events demonstrate yet again the ~~level~~ of apartheid and the ~~urgent need for fundamental reform~~. It is a tragedy that the shootings are more likely to reinforce existing divisions and to over-shadow ~~the~~ more hopeful developments of recent weeks.

On my instructions, Mr Richard Luce, the Minister of State, summoned the South African Ambassador this morning and expressed the Government's views to him, covering among other things the need for the fullest possible investigation.

22 March 1985

The shootings which took place in South Africa yesterday are a matter of the greatest concern. I join with others in condemning the action of the South African ~~police~~ and extend .....



SA 10/3

PRIME MINISTER'S QUESTION TIME: 21 MARCH 1985

SHOOTING OF 16 BLACK SOUTH AFRICANS BY POLICE ON 21 MARCH

LINE TO TAKE

1 I was shocked to hear of the tragic news from South Africa this morning. We consistently condemn violence in South Africa from whatever quarter it may come. The South African Government is well aware of our position which has been expressed on a number of occasions bilaterally and jointly with our Partners in the Ten.



## BACKGROUND

1 News reports indicate that 16 blacks were killed when police fired on a crowd of thousands marching in a demonstration near Uitenhage in the Eastern Cape this morning.

2 The march was to commemorate the 25th anniversary of the Sharpeville riots in 1960 when police shot dead 69 blacks.

3 There has been a steady escalation of violence in the Eastern Cape in recent days and deaths have occurred on a number of occasions.



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Foreign and Commonwealth Office

London SW1A 2AH

28 February 1985

Prime Minister

Your representations on behalf of KwaNgema seem to have had an effect.

CJP  
2/2

Good mt

Dear Charles,

South Africa

Thank you for your letter of 11 February enclosing a note from the South African Embassy about population resettlement.

The statement made by Dr Viljoen, reported in the South African Embassy's Note, does indeed affect the KwaNgema people. The statement came only a few days after President Botha's speech at the opening of Parliament in Cape Town on 25 January, when he outlined a number of proposals relating to the South African black population. Among other things he gave an undertaking that resettlement would be given new attention. Dr Viljoen's statement clarifies this by announcing a suspension of the resettlement programme pending a review of government policy. Dr Viljoen specifically mentioned KwaNgema and Driefontein, two of the cases which have attracted international attention.

Although it is too early to say that the KwaNgema people have been finally reprieved, their resettlement has certainly been indefinitely deferred. Indeed, our Embassy report their contacts in the South African Parliament as being quite clear that the policy of forced removals has gone for good, at least as far as "black spots" are concerned.

Dr Viljoen specifically excluded illegal and urban rural squatters from the dispensation he announced on 1 February. The problems of such communities were highlighted by the serious disturbances at Crossroads last week and led to international concern about their fate. There has long been uncertainty about the South African Government's intentions towards the whole question of permanent black residence in the Cape Town area. Against that background the announcement by Dr Viljoen on 21 February that 99-year leases would be available to blacks settled legally in the three Cape Flats townships was a significant step, and has now been followed by a decision to allow the development of Crossroads. It

/is

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is not clear to what extent the Government will be prepared to allow illegal squatters (who make up the majority of the Crossroads population) to remain, but Dr Viljoen has said that he is prepared to negotiate with them.

Taken together these recent developments are encouraging and suggest a much more realistic attitude by the South African Government towards questions which have caused much tension and bitterness in South Africa. The fact remains, however, that these are modifications rather than fundamental changes in the policy of influx control.

*Yours ever,*

*Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

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# CONFIDENTIAL

GR 700

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FM WASHINGTON 220114Z

TO IMMEDIATE FCO

TELEGRAM NUMBER 618 OF 21 FEBRUARY 1985

INFO PRETORIA, LUANDA, MAPUTO, NAIROBI, LUSAKA, HARARE, EC POSTS,  
LISBON.

FOLLOWING FOR PRIVATE SECRETARY

SECRETARY OF STATE'S MEETING WITH MR SHULTZ ON 21 FEBRUARY: SOUTHERN  
AFRICA

## MOZAMBIQUE

1. SHULTZ ASKED CROCKER TO SUMMARISE THE PRESENT STATE OF NEGOTIATIONS ON MOZAMBIQUE. CROCKER SAID THAT THE ADMINISTRATION WAS VERY CONCERNED OVER THE MOZAMBIQUE SITUATION. IF THE NKOMATI PROCESS DID NOT PRODUCE RESULTS SOON, THERE WAS A RISK OF BACK-SLIDING. THE US WAS WORKING TO ENCOURAGE PROGRESS TOWARDS A CEASEFIRE. HE HAD JUST BEEN IN SOUTH AFRICA. HE HAD TRIED TO PERSUADE THE SOUTH AFRICANS TO GET OFF THE FENCE AND TO BE MORE HELPFUL TO MACHEL. MOST RECENTLY THE SOUTH AFRICANS HAD PUT FORWARD A SET OF NEW PROPOSALS, BUT MACHEL HAD NOT SO FAR REACTED.

2. THE SECRETARY OF STATE SAID THAT WE TOOK THE SAME VIEW OF NKOMATI. WE THOUGHT IT IMPORTANT TO GIVE IT EFFECTIVE LIFE. THERE WAS SOME UNCERTAINTY ABOUT THE COMPONENT ELEMENTS OF SUPPORT FOR RENAMO. THERE WAS SPECULATION THAT THIS WAS BASED UPON PRIVATE SUPPORT FROM SOUTH AFRICAN AND PORTUGUESE SOURCES, WITH SOME AID COMING IN FROM THE COMOROS ISLANDS. CROCKER SAID THAT A GOOD DEAL OF IT WAS PRIVATE MONEY, BUT SOMEBODY WAS ORGANISING THE SUPPLY LINES AND THERE WAS TACIT COLLABORATION WITH SOME OF THE NEIGHBOURING COUNTRIES. ONE OF THE PROBLEMS WAS THAT MACHEL'S ARMY WAS PRETTY INEFFECTIVE AND BADLY NEEDED SHORING UP.

## NAMIBIA

3. THE SECRETARY OF STATE SAID THAT DURING HIS VISIT TO AFRICA THERE HAD BEEN PUBLIC CRITICISM OF THE US DIPLOMATIC EFFORT, BUT WHEN GOVERNMENTS WERE SOUNDED OUT PRIVATELY THEY SWIFTLY SAID THAT THEY DID NOT WANT THE PROCESS TO STOP. ON THE CONTRARY, THEY WANTED THE US EFFORT TO GO FORWARD BUT MORE QUICKLY. IN HIS PUBLIC STATEMENTS THE SECRETARY OF STATE HAD REPUDIATED FORMAL LINKAGE BETWEEN CUBAN WITHDRAWALS AND SETTLEMENT, BUT HAD SAID THAT IN PRACTICE THERE WAS A CONNECTION. WE AGREED WITH THE US APPROACH OF PUTTING FORWARD ITS OWN IDEAS TO FIND A WAY OF MOVING ON TO THE NEXT STAGE. THERE WOULD BE INCREASED PRESSURE ON US AT CHOGM.

4. THE SECRETARY OF STATE SAID THAT WE HAD WONDERED ABOUT A REVIVED ROLE FOR THE CONTACT GROUP COUNTRIES. THE CONTACT GROUP WAS JUDGED INEFFECTIVE BY THE AFRICAN COUNTRIES SO THAT FORMAL REACTIVATION DID NOT OFFER MUCH PROMISE. BUT MAYBE THE FOUR COUNTRIES MIGHT BE ABLE TO DO SOMETHING IN A LESS FORMAL WAY. WE WERE DISCUSSING THIS WITH CONTACT GROUP PARTNERS.

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/ SOUTH AFRICA



# CONFIDENTIAL

SOUTH AFRICA

5. THE SECRETARY OF STATE SAID THAT WE THOUGHT THE US POLICY OF CONSTRUCTIVE ENCOURAGEMENT WAS BASICALLY RIGHT. SHULTZ'S TESTIMONY TO CONGRESS HAD INCLUDED AN EXCELLENT PASSAGE ON POLICY TOWARDS SOUTH AFRICA, MAKING CLEAR THAT THE US ABHORRED APARTHEID, WANTED TO SEE CHANGE, BUT PEACEFUL AND STABLE CHANGE. P.W. BOTHA'S RECENT SPEECH HAD SHOWN SOME MOVEMENT IN THE RIGHT DIRECTION. THIS OUGHT TO BE ENCOURAGED. BOTH US AND UK RISKED GREATER EXPOSURE IN THE FUTURE OVER OUR ECONOMIC RELATIONSHIP WITH SOUTH AFRICA. THIS WOULD INTENSIFY AT CHOGM. HENCE WE NEEDED TO BE MORE VISIBLY ENGAGED IN PRESSING FOR MOVEMENT FROM THE SOUTH AFRICAN GOVERNMENT, BOTH FOR ITS OWN SAKE AND IN ORDER TO RESIST PRESSURE FOR ECONOMIC SANCTIONS. NEVERTHELESS, WE DID NOT WANT TO ADD TO INSTABILITY.

6. SHULTZ COMMENTED THAT NOT EVEN BLACK GROUPS IN SOUTH AFRICA SUPPORTED DISINVESTMENT. CROCKER SAID THAT A PROCESS REASSESSMENT HAD BEEN TAKING PLACE WITHIN THE AFRIKAANS. THE BOTHA SPEECH WAS A CLEAR SIGNAL THAT SOME FUNDAMENTAL AFRIKAANS IDEAS WERE BEING QUESTIONED AND REJECTED (EG ON THE HOMELANDS). BUT THE US GOVERNMENT HAD FACED A STEADY STREAM OF UNHELPFUL PRESS HEADLINES, AND GROWING PRESSURE OVER DISINVESTMENT, WHICH MADE THEIR POSITION MORE DIFFICULT. NEVERTHELESS, US WERE STANDING FIRM.

WRIGHT

[COPIES SENT TO NO 10 DOWNING STREET]

SOUTHERN AFRICA

STANDARD(PALACE)

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SOVIET D

MR J R J JOHNSON  
CABINET OFFICE

ADDITIONAL DISTRIBUTION  
SOUTHERN AFRICA

<sup>2</sup>  
CONFIDENTIAL





CCFCO

10 DOWNING STREET

THE PRIME MINISTER

19 February 1985

Dear Bishop Huddleston

Thank you for your letter of 12 February about Nelson Mandela.

I recognise Mr. Mandela's standing in the Black community of South Africa and I share your concern at his continued imprisonment. We have made it clear to the South African Government both privately and publicly that his release would be widely welcomed as an important gesture of reconciliation.

I have, of course, noted the recent offer of a conditional release for Mr. Mandela and his response to it. We cannot condone violence by Nelson Mandela or anyone else, but do not think it right to attach conditions to his release. We shall continue to make this clear in our contacts with the South African Government.

Yours sincerely  
Margaret Thatcher

The Most Reverend Trevor Huddleston, CR

—

ea



010



Prime Minister (F)

mf

CDP  
19/2

FROM  
NICHOLAS  
BETHELL

mf

TELEPHONE  
01-402-6877

73 SUSSEX SQUARE  
LONDON W2 2SS

Charles Powell Esq  
10 Downing Street  
London  
SW1

18th February 1985

Dear Mr Powell,

You may have seen the letter that Sir Geoffrey Howe sent me about Nelson Mandela. A copy is enclosed.

I have replied that I quite agree with the line that the Government is taking over this matter, that I am glad that the Government will continue, while not condoning violence, to press for Mr Mandela's unconditional release.

I would be grateful if you could let the Prime Minister know that this is the line that I shall take in any future public statement on the case.

Yours sincerely

Nicholas Bethell

Lord Bethell





Foreign and Commonwealth Office

London SW1A 2AH

14 February 1985

*From the Secretary of State*

*Dear Nicholas*

Thank you for your letter of 30 January.  
I was interested to read the full record of your meeting with Nelson Mandela.

We have made clear in public and in private to the South African Government our belief that Mandela's release would be an important gesture of reconciliation. We have, of course, since noted President Botha's offer of a conditional release for Mandela, and indeed other long-term political prisoners in South Africa. We cannot condone violence, by Mandela or anybody else. Nonetheless, we do not believe that conditions should be attached to Mandela's release. We shall continue to press for this in our contacts with the South Africans.

(GEOFFREY HOWE)

The Lord Bethell



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Foreign and Commonwealth Office

London SW1A 2AH

18 February, 1985

*Dear Charles,*

South Africa: Letter from Bishop Huddleston

Thank you for your letter of 13 February enclosing one from Bishop Huddleston. I enclose a draft reply for the Prime Minister's signature.

Bishop Huddleston's request that we should make high level representations for the unconditional release of Nelson Mandela follows the South African Government's recent offer of a conditional release. The offer required a commitment from Mandela that he would not plan, instigate or commit acts of violence for the furtherance of political objectives. As you know, Mandela rejected this offer.

We have long called for the release of Mandela by the South African Government and made clear to the latter that we would regard Mandela's release as an important gesture of national reconciliation. The Prime Minister raised this question with P W Botha at Chequers last June. We have, however, done so without expressing a view on whether or not his release should be subject to any conditions (although we have joined in a recent call by the European Community for the unconditional release of Mandela, and other political prisoners in South Africa). We must, however, now face up squarely to the question of whether it is right that conditions should be attached to Mandela's release.

Mandela has been in prison for 22 years. He was sentenced to life imprisonment on a number of charges of sabotage, but he was not accused of committing acts of violence against individuals. He made clear at the time of his trial that he had finally resorted to violence in response to the "violence of apartheid" and when all legitimate means of protest had been denied to him following the banning of the African National Congress in 1960. His attitude is unchanged; when Lord Bethell visited Mandela in prison in January, Mandela made clear that he still believed violence was necessary, but that he was opposed to violence against civilians.

Lord Bethell wrote to the Foreign Secretary following his meeting with Mandela and asked the Foreign Secretary to work for Mandela's unconditional release. Bearing in mind Mandela's long prison sentence,

CONFIDENTIAL

/his



CONFIDENTIAL



his carefully expressed attitude towards violence, as well as his international stature, the Foreign Secretary thought it right to explain to Lord Bethell that while he could not, of course, condone violence of any kind, he did not believe that conditions should be attached to Mandela's release. The Foreign Secretary recommends that the Prime Minister should reply to Bishop Huddleston in similar terms.

It is evident that the South African Government's attitude to the African National Congress and its leaders, especially Mandela, is evolving significantly although it is not perhaps surprising that the issue of the public renunciation of violence is at present a sticking point for Mandela's release. We can no doubt expect a continuing step by step process on this issue to take place in the forthcoming months.

*Yours ever,  
Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

CONFIDENTIAL



DRAFT: ~~minute/letter/teleletter/despatch/note~~  
xxxxx/letter/teleletter/despatch/note

TYPE: Draft/~~Final~~  
xxxxx

FROM:  
Prime Minister  
DEPARTMENT: TEL. NO:

Reference

SECURITY CLASSIFICATION

- Top Secret
- Secret
- Confidential
- Restricted
- Unclassified

TO:  
The Most Rev Trevor Huddleston  
President  
Anti-Apartheid Movement  
13 Mandela Street  
LONDON  
NW1 ODW

Your Reference

Copies to:

*U6 Aev*

PRIVACY MARKING

.....In Confidence

SUBJECT:  
Thank you for your letter of 12 February about Nelson Mandela.

CAVEAT.....

*to recognize* the  
~~As you know, I am well aware of~~ Mr Mandela's standing in/  
 Black community of South Africa and I share your concern  
 at his continued imprisonment. We have made it clear to  
 the South African Government *but* privately and publicly that  
 his release would be widely welcomed as an important  
 gesture of reconciliation.

I have, of course, noted the recent offer of a conditional  
 release for Mr Mandela and his response to it. We cannot  
 condone violence by Nelson Mandela or anyone else, *but do*  
~~we do not believe that~~ *(think it right to attach)* conditions should be attached to  
 his release. *make this clear* I assure you that *we shall* continue to  
~~release without conditions~~ *two for*  
 press for ~~his~~ /in our contacts with the South African  
 Government.

*CD*

Enclosures—flag(s).....



Bishop Trevor HUDDLESTON



22/2

10 DOWNING STREET

*From the Private Secretary*

13 February 1985

I enclose a copy of a letter to the Prime Minister from Bishop Trevor Huddleston asking her to authorise representations to the South African Government to secure the release of Nelson Mandela.

I should be grateful for an early draft reply.

Charles Powell

Colin Budd, Esq.,  
Foreign and Commonwealth Office.

BM





# Anti-Apartheid Movement

13 Mandela Street London NW1 0DW Tel 01-387 7966

**President**  
Most Revd Trevor Huddleston CR

**Vice Presidents**  
Sir Hugh Casson KCVO  
Jack Jones CH  
Joan Lester  
Rt Hon David Steel MP

**Sponsors**  
Lord Brockway  
Ray Buckton  
Basil Davidson  
Professor Dorothy Hodgkin OM  
Alex Kitson  
Rt Hon Jeremy Thorpe  
Pauline Webb

*The Anti-Apartheid Movement  
is in Consultative Status with  
the Economic and Social Council  
(ECOSOC) of the United Nations*

Rt Hon Margaret Thatcher MP,  
Prime Minister,  
10 Downing Street,  
London SW1

12th February 1985

Dear Mrs Thatcher,

When we met on the eve of the visit of Mr P.W. Botha to Britain we discussed the continued imprisonment of Mr Nelson Mandela. I was grateful to you for having raised his case with Mr Botha when you met.

As you know Mr Botha has now put forward conditions for Mr Mandela's release which are clearly unacceptable.

This and other developments are taking place at a time of acute crisis in South Africa with the rejection of the new Constitutional proposals by the Indian and Coloured communities and the virtual collapse of local African administrative organs. Since the visit of P.W. Botha several hundred lives have been lost as a result of police and military action against unarmed protests. In this situation I believe peace can only be brought about with the immediate release of Nelson Mandela who remains the acknowledged leader of the Black majority population. Mr Mandela has himself in the statement released on his behalf this weekend set out the conditions necessary to achieve peace.

In this situation I would urge you to consider the possibility of representations at the highest level by Her Majesty's Government with the South African authorities with the aim of securing the release of Nelson Mandela without any conditions.

We believe this could make an enormous contribution to avoiding unnecessary suffering and preventing the escalation of violence in South Africa.

I very much hope that you will give this proposal serious consideration.

Yours sincerely,

Trevor Huddleston + CR  
President



CONFIDENTIAL

FILE

RM



cc LCO  
HMT  
WPO  
MOD

WPSO  
DTI  
CDL

10 DOWNING STREET

From the Private Secretary

11 February, 1985

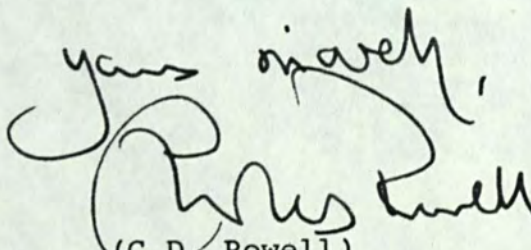
Dear Ken,

SOUTHERN AFRICA

Thank you for your letter of 8 February about Southern African questions.

The Prime Minister has noted this. Her only comment concerns Namibia where rather than speak of "condemning" formal linkage she would prefer us to say "not admitting".

I am sending a copy of this letter to the Private Secretaries to the members of OD.

Yours sincerely,  
  
(C.D. Powell)

L. Appleyard, Esq.,  
Foreign and Commonwealth Office

CONFIDENTIAL

dg





hle

cc PC

10 DOWNING STREET

*From the Private Secretary*

11 February 1985

I enclose a note I have received from the South African Embassy about population resettlement. I am sure the Prime Minister would be interested to know whether the latest statement of the South African Government's position means that the resettlement of the Kwangema community has been deferred.

BPT

(C.D. Powell)

Colin Budd, Esq.,  
Foreign and Commonwealth Office

JR





Foreign and Commonwealth Office

London SW1A 2AH

8 February 1985

ofo

CEPC

(2)

nk

Dear Charles,

Southern Africa

During 1984 we were able without undue difficulty to maintain our established approach to the major issues facing us in Southern Africa. However, the Foreign Secretary believes that Southern African questions will pose greater difficulties for British policy in 1985.

Prime Minister  
There is nothing very concrete here.  
But CHOGM will certainly be a pressure point.

CSJ  
sjz

In South Africa itself, for instance, the recent and serious black urban unrest, a steady worsening economic situation and growing doubts about the new constitutional arrangements have underlined the urgency of making progress on some of the country's basic problems. These issues, and especially Namibia, are likely to figure prominently at CHOGM, where there could be serious criticism over the lack of progress and British 'inactivity'. They may also come up in other meetings which the Prime Minister has planned, e.g. her discussion with President Reagan later this month, and possibly with our European partners.

The Foreign Secretary would like to draw the Prime Minister's attention to the following major aspects of this subject.

NAMIBIA

Under US pressure the Angolans broke the log jam over linkage in September 1984 when, for the first time, they formally tabled proposals for the withdrawal of the Cubans. The South Africans have tabled counter proposals. The Americans are trying to draw the two sides closer together and may themselves put forward a compromise.

But the gap is wide and there are powerful factors working against an agreement: the UNITA threat in Angola is strong and the MPLA very nervous, and divided over its response to US pressures; the Soviet Union will be supporting the hard liners; while in South Africa President Botha is preoccupied with the internal scene, to which Namibia takes second place, and - despite the stress which he laid on the cost of Namibia to South Africa, when the subject was discussed at Chequers - his assessment of the South African interest may lead him to continue to avoid the final implementation of SCR 435.

/ Progress ..





Progress is therefore likely to be slow and certain to be insufficient to contain the frustration of many Africans and others at the delay in implementing the UN Plan originally agreed in 1978. The Foreign Secretary was struck by this during his recent African visit. There is some pressure, though at present limited, for renewed activity by the Contact Group, or even by the UK alone, in the hope that this would somehow short-circuit the delays imposed by linkage. We can expect to be fiercely criticised at CHOGM for our alleged failure to put pressure on those concerned (ie the South Africans and the US).

*not admitting*

Our policy has been to support the US-led negotiations as offering the only real prospect of progress, while condemning? formal linkage. The Foreign Secretary believes that this approach continues to be right, and that it is defensible, provided that progress goes on being made. Angolan participation in the negotiations, to make them impossible for other Africans to dismiss, is vital. But if the negotiations drag on without positive developments, our position would be much less comfortable.

The Foreign Secretary believes that we should watch carefully to identify possible initiatives which we might usefully take, either in support of the US effort or to pick up the pieces should it be seen to fail. We should aim to act in cooperation with all or some of our major partners (e.g. the Contact Group of Five). We have talked to the French, and are consulting the Germans and the Canadians. It of course remains imperative that any action which we take should not cut across US action or damage our relationship with the Americans, since if the issue should blow up in the UN, our interests (e.g. over mandatory economic sanctions) are likely to be closer to theirs than to those of our European partners, or anyone else.

#### SOUTH AFRICA

President Botha's important speech of 25 January, opening the first full session of the new Parliament, paid much attention to black affairs, indicating greater flexibility and airing a number of new proposals to deal with some of the problems. Inevitably, these fall far short of black demands for full equal political rights; but if implemented they would nonetheless represent a significant step forward. They are likely to confront P W Botha with a difficult task in managing his own constituency. Putting them into effect will take time.

/ The new ...





The new South African constitution, as you know, makes no immediate concessions to blacks, and has attracted widespread international criticism. Against that background, we shall have continued difficulty in convincing our critics (including Nigeria, where the Dikko affair and tension about oil-pricing continue to loom large) that our relationship with South Africa is genuinely being used to influence internal developments and, particularly, the welfare of the black community.

In the coming months our own attitude may be contrasted unfavourably with that of the US Administration, if the latter yields to pressure to adopt a tougher approach, and if the Congress puts forward legislation. President Reagan has reviewed US policy and put his weight firmly behind Dr Crocker's approach of constructive engagement. But the Americans may yet feel obliged to make concessions to the anti-South Africa lobby. Any shift in US policy would make our already exposed position more uncomfortable. Our basic policy of using our links and contacts to encourage a process of peaceful change in South Africa obviously remains right. But the Foreign Secretary is considering a number of ways in which we could strengthen the public presentation of that policy, e.g. by making clearer our opposition to measures such as forced removals and influx control.

The South Africans are no doubt looking for external approval of the delicate path which they are treading and a more critical public stance would inevitably have repercussions on our bilateral relationship with South Africa, unless it was matched by private explanation to the South Africans. At the same time therefore we should ensure that the South Africans understand the many positive elements in our policy towards them, such as our continuing support for trade and investment (as much in their interest as ours) and our many strands of dialogue, private and governmental. By doing this we shall aim to safeguard our essential commercial and economic interests in South Africa.

#### MOZAMBIQUE

The Nkomati Accord continues to offer a major opportunity to reduce Soviet influence in Mozambique. But Mozambique's stability is still being threatened by the severe economic and administrative disruption caused by Renamo. Unfortunately, having built up Renamo, the South Africans have been unable to suppress it. They have tried to mediate, but so far Renamo show no sign of moderating their political demands to an acceptable level. We believe the South Africans have cut off official assistance, but some unofficial support may still be reaching Renamo from South Africa. Renamo may also have sources of unofficial assistance in Portugal, Malawi, the FRG and elsewhere. In any case South Africa is blamed, and the credibility of the Nkomati process is threatened. President Machel is concerned, but he is standing firm in his commitment to Nkomati and so far his leadership remains secure. He believes that his policy will succeed, given time.





The Foreign Secretary considers that we should provide wholehearted support to Nkomati and to President Machel through the next difficult months. We are doing what we can to discourage foreign support for Renamo, and working for an EC Ministerial statement of support for Nkomati. President Banda's State Visit will provide another important opportunity to deploy our influence. We are also looking again at our bilateral aid, both developmental and military, but constraints on our resources make any significant further expansion difficult.

The Foreign Secretary has instructed officials to assess, on a continuing basis, the scope for taking new steps to promote Nkomati. This is an area where we have a common interest with the South Africans and where any support we can give will help to balance our necessarily more critical view of their internal affairs.

#### CONCLUSIONS

The Foreign Secretary believes that on all three issues the basic tenets of current policy are sound, but that some modifications may be necessary along the lines now being considered. He also believes that it would be helpful occasionally to deal with Southern African issues in Ministerial speeches with the aim of securing greater support for our policies. This will be particularly important as we approach CHOGM.

I am sending copies of this letter to the Private Secretaries of other members of OD.

*Your ever,*

*Les Appleyard*

(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street





58 FEB 1985

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From me!  
Per [unclear]





*South African Embassy*  
Trafalgar Square  
London WC2N 5DP

B8/1/1

7th February 1985

Mr Charles Powell  
Private Secretary  
Office of the Prime Minister  
10 Downing Street  
London SW1

*Dear Mr Powell, Sir*

Dr Gerrit Viljoen, the South African Minister for Cooperation and Development, made a very important statement on the subject of population resettlement last Friday, and I thought that you would be interested in the attached transcript of extracts from his statement. Also enclosed is an editorial from the Johannesburg 'Star' of Monday 4 February, reacting to the statement.

*Yours sincerely*  
*Leo Evans*

Leo H. Evans  
Minister

Encl. 2



RESETTLEMENT

B8/1/1

The Hon. Minister Gerrit Viljoen spoke to foreign press correspondents on Friday 1 February about resettlement.

The following are extracts from the interview:

"All resettlements of communities will be suspended except in cases of illegal urban and rural squatters and in cases where an agreement can be reached with the community concerned ... The suspension of removals will last until the South African Government has reconsidered the whole policy or resettlement ... The suspension of resettlements will affect hundreds of thousands of Black people ... The question of forced removals is being reconsidered because the government is sensitive to the general critical attitude concerning it ... The suspension will mean that the resettlement of between 25 and 30 Black communities in White areas will be reconsidered. This applies to more or less the same number of Black residential areas which are due to be incorporated into one or other of the Black national states. The policy of resettlement will be drastically reviewed so that it can be restricted to the absolute minimum. It will also be ensured that it is carried out as far as humanly possible with the consent of the community concerned."

Dr Viljoen referred specifically to the Kwangema and Driefontein communities near the Swaziland border. The planned removals had already attracted much attention overseas.

"Many of the 'Black spots' date back to before 1913 when laws were passed which prevented Blacks from buying land in White areas. The spots have grown considerably over the years, which makes their resettlement difficult ... There have been cases in the past where a resettlement has taken place with the agreement of a community, for example, in the case of the people of Magopa, near Johannesburg, who were incorporated into Bophuthatswana some time ago."

\* \* \*



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# The Star

## This is the best removal of all

THE announcement that forced removals are to be "suspended" pending a review of the resettlement policy is big news, and welcome news indeed. It completes a remarkable trilogy of steps taken since the opening of Parliament which signal the Botha Government's big ideological shift. In his major policy address President Botha announced a number of progressive intentions regarding black constitutional development; then came his dramatic offer to release Nelson Mandela; and now Dr Gerrit Viljoen has confirmed that one of apartheid's most hated aspects is in the melting-pot.

In all these initiatives, it remains to be seen whether there are hidden snags or how real the prospects are of ostensible good intentions overcoming mistrust and taking concrete shape. But the suspension of forced removals seems solid enough, barring two qualifications which the Minister of Co-operation and Development was careful to spell out.

The first is that the Government means to continue to resettle black communities "if their leaders agree." The problem that has been witnessed in several well-publicised communities, such as Mogopa, kwaNgema, Mathopeland and Driefontein, is that serious disputes have arisen over who the real leaders are: there have been indications that the Government tends to favour the factions which will acquiesce. Dr Viljoen's second qualification is that illegal squatting in urban or rural areas will not be acceptable — which will not bring much comfort to Crossroads-type squatters at the raw interface of urbanisation.

That said, the suspension marks a major step forward. The Minister said it would affect hundreds of thousands of people who have been living under threat of forced removal, and he promised that the review would be "drastic." All South Africans will pray that this heralds the end of a policy that has inflicted needless misery on millions.



FILE 5A.



10 DOWNING STREET

*From the Private Secretary*

1 February, 1985

Thank you very much for your letter of 1 February, with which you sent me the text of President Botha's speech at the Opening of Parliament in Cape Town last Friday. I find it useful to have this.

C. D. POWELL

L. H. Evans, Esq.





*South African Embassy*

Trafalgar Square  
London WC2N 5DP

B8/6/1

1st February 1985

Mr Charles Powell  
Private Secretary to the Prime Minister  
10, Downing Street  
London SW1

*Dear Mr Powell,*

I am sure that you will have followed the extensive media coverage of the speech by the South African State President Mr P.W. Botha at the opening of the new Parliament in Cape Town last Friday. You might also be interested in reading the full text of the speech, a copy of which is enclosed (together with a summary).

Many British newspapers carried editorials on this speech, but you will probably not have seen the editorial in the Johannesburg "Sunday Times" of 27 January, a copy of which is also enclosed. This will give you an indication of the kind of reception the State President's speech has received in Opposition circles in South Africa.

*Yours sincerely  
Leo Evans*

Leo H. Evans  
Minister

Encl. 2



EMBARGO: 09H00 FRIDAY 25/1/85

SPEECH BY THE STATE PRESIDENT, MR P W BOTHA, ON THE OCCASION OF THE OPENING OF THE SECOND SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA, 25 JANUARY 1985.

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MR SPEAKER, MEMBERS OF PARLIAMENT:

ON 15 MAY THIS YEAR THE ORIGINAL PART OF THE PARLIAMENTARY BUILDINGS WILL BE EXACTLY ONE HUNDRED YEARS OLD. AND IN MANY WAYS THIS BUILDING SYMBOLISES THE PROCESS OF DEVELOPMENTS OUR COUNTRY HAS UNDERGONE IN THE CONSTITUTIONAL SPHERE.

DURING ITS EXISTENCE THE BUILDING HAS SEEN DRASTIC CHANGES. IT SERVED THE CAPE PARLIAMENT FIRST AND THEN THE UNION PARLIAMENT. AND NOW IT IS THE SEAT OF THE PARLIAMENT OF THE REPUBLIC. THESE CHANGES HAVE BEEN ASSOCIATED WITH CHANGES IN OUR PARLIAMENTARY STRUCTURE TOO. IN THE PROCESS OF EMANCIPATION FROM COLONIALISM, REPRESENTATIVE GOVERNMENT DEVELOPED INTO RESPONSIBLE GOVERNMENT AND A CROWN COLONY BECAME AN INDEPENDENT STATE AND EVENTUALLY A FREE REPUBLIC. NOW WORK IS AGAIN BEING DONE ON THIS BUILDING TO MAKE PROVISION FOR A SYSTEM AIMED AT ACCOMMODATING SOUTH AFRICA'S UNIQUE CIRCUMSTANCES.

FOR THE FIRST TIME IN THE HISTORY OF OUR COUNTRY, MORE COMMUNITIES THAN BEFORE ARE DIRECTLY REPRESENTED IN THIS PARLIAMENT AND IN THE GOVERNMENT. THIS YEAR HAS INDISPUTABLY BROADENED THE DEMOCRATIC BASE OF OUR SYSTEM. IT REFLECTS THE ACCEPTANCE THAT ONE PART OF OUR POPULATION CANNOT ON ITS OWN PURSUE OUR GOALS FOR SOUTH AFRICA AND CANNOT ON ITS OWN PROTECT OUR COMMON FATHERLAND AGAINST THOSE THINGS THAT THREATEN IT. ALL THE COMMUNITIES, ALL REASONABLE SOUTH AFRICANS, WILL HAVE TO STAND TOGETHER IF WE ARE TO LEAD OUR COUNTRY TO PEACE, SAFETY AND DEVELOPMENT. THE RSA HAS NEVER BEEN ISOLATED FROM THE OUTSIDE WORLD. MANY OF OUR FOREBEARS WERE BROUGHT TOGETHER HERE FROM SEVERAL CONTINENTS AND OUR HISTORY HAS BEEN INDISSOLUBLY LINKED WITH THE HISTORY OF THE WORLD. SA IS NO ISLAND AND SHE WANTS TO TAKE HER PLACE IN THE COMMUNITY OF NATIONS AND, IN PARTICULAR, ON THE CONTINENT OF WHICH SHE FORMS A PART, WHILE PRESERVING THE RICH TRADITIONS AND CULTURAL HERITAGE OF ALL OUR POPULATION GROUPS.

IN TAKING DECISIONS IN THE INTEREST OF OUR COUNTRY, THE GOVERNMENT MUST HAVE REGARD TO THE FACT THAT CIRCUMSTANCES AND EVENTS IN THE REST OF THE WORLD HAVE A DEFINITE INFLUENCE ON OUR COUNTRY AND OUR SUBCONTINENT. IT IS OUR RESPONSIBILITY TO TAKE COGNISANCE OF THE IMPLICATIONS OF THE VIEWS OF BOTH FRIENDLY AND HOSTILE COUNTRIES, AND TO TAKE INTO ACCOUNT THE EFFECT OF OUR DECISIONS ON THE RSA'S



FOREIGN RELATIONS. INDEED, OUR GOAL IS TO EXTEND THESE RELATIONS: THE INTEREST OF SA DEMANDS NO LESS.

BUT SA'S SITUATION BETWEEN TWO OCEANS DOES NOT MEAN THAT IT IS A COUNTRY ADRIFT. OPENNESS TO THE OUTSIDE WORLD DOES NOT SIGNIFY A LACK OF WILL. LET THERE BE NO MISUNDERSTANDING THEREFORE ABOUT THIS GOVERNMENT'S ABILITY AND DETERMINATION NOT TO LET THE REST OF THE WORLD PRESCRIBE TO IT - NOT THROUGH DIPLOMATIC CHANNELS, NOR THROUGH DEMONSTRATIONS, NOR THROUGH ANY FORM OF VIOLENCE.

THE GOVERNMENT WILL NOT LET ITSELF BE FORCED OFF COURSE BY THE ERRATIC AND IRRATIONAL BEHAVIOUR OF THE UNITED NATIONS. RATHER THAN CONTRIBUTING TO THE ATTEMPTS TO DESTROY CIVILISED STANDARDS IN SA, THAT BODY WOULD BE WELL ADVISED TO CONCERN ITSELF WITH THE REAL PROBLEMS OF THE WORLD TODAY, SUCH AS THE EAST-WEST CONFLICT, MILITARY EXPANSIONISM AND FAMINE.

WHEN WE TAKE DECISIONS ON CO-OPERATION WITH NEIGHBOURING STATES, ON STEPS TO PROMOTE THE CONSTITUTIONAL DEVELOPMENT OF THE BLACK COMMUNITIES AND ON INTERNAL SECURITY, EVERYONE MUST KNOW THAT WE ARE DOING SO IN THE INTEREST OF OUR COUNTRY AND NOT TO PLEASE THE OUTSIDE WORLD. BUT NATURALLY, IF WHAT WE DO IS FAVOURABLY RECEIVED, THIS WOULD BE TO THE BENEFIT OF OUR COUNTRY AND ITS PEOPLE.

I AM THEREFORE ASKING FOR THE SUPPORT OF THIS PARLIAMENT IN DEALING WITH SA'S FOREIGN RELATIONS IN SUCH A WAY AS TO SAFEGUARD THE INTEGRITY AND SECURITY OF OUR COUNTRY AND TO GIVE EXPRESSION TO OUR NATIONAL GOALS AS SET OUT IN THE PREAMBLE TO OUR CONSTITUTION.

WE ARE COMMITTED TO CO-OPERATIVE CO-EXISTENCE, AND WE BELIEVE THAT THIS IDEAL CAN BE ACHIEVED ONLY IF THE DIVERSITY OF OUR SOCIETY IS RECOGNISED AND IT IS ACCEPTED THAT THE COMPOSITION OF OUR COUNTRY'S POPULATION NEED NOT BE AN OBSTACLE IN OUR WAY. BUT THIS IS POSSIBLE ONLY WITHIN A SYSTEM IN WHICH THERE IS NO DOMINATION OF ONE POPULATION GROUP OVER ANOTHER, WHICH IN TURN REQUIRES SELF-DETERMINATION FOR EACH GROUP OVER ITS OWN AFFAIRS AND JOINT RESPONSIBILITY FOR AND CO-OPERATION ON COMMON INTERESTS. ANY FURTHER CONSTITUTIONAL DEVELOPMENT WILL TAKE PLACE IN ACCORDANCE WITH THIS GUIDELINE.

THIS DOES NOT BY ANY MEANS IMPLY THAT OUR STRATEGIES AND METHODS WILL NOT KEEP PACE WITH CHANGED CIRCUMSTANCES AND NEEDS AND WITH THE RIGHTFUL EXPECTATION OF ALL GROUPS. WHAT IT DOES MEAN IS THAT THE GOVERNMENT WILL NOT DEVIATE FROM THESE CLEAR PRINCIPLES.

IN ACCORDANCE WITH THESE PRINCIPLES THE GOVERNMENT HAS BEEN ENGAGED FOR SOME YEARS NOW IN A PROGRAMME OF FUNDAMENTAL REFORM IN EVERY SPHERE OF LIFE. REFORM, AND SPECIFICALLY CONSTITUTIONAL REFORM, IS A CONTINUING PROCESS. THERE IS ALREADY CONSIDERABLE CAUSE FOR THANKFULNESS AND PRIDE, BUT BECAUSE THE PROCESS IS AN EVOLUTIONARY ONE ITS EFFECTS, NO MATTER HOW PROFOUND THEY MAY BE, ARE NOT ALWAYS SO DRAMATICALLY OBVIOUS.



AS TO SA'S POSITION IN SOUTHERN AFRICA, INTERSTATE CO-OPERATION ON MATTERS OF COMMON INTEREST HAS BEEN THE PRINCIPAL MEANS OF PROMOTING PEACE AND PROGRESS ON THE SUBCONTINENT. CONSIDERABLE HEADWAY HAS BEEN MADE WITH THIS DURING THE PAST YEAR WITH REGARD TO BOTH THE TBVC STATES (TRANSKEI, BOPHUTHATSWANA, VENDA AND CISKEI) AND THE SELF-GOVERNING STATES AND OTHER NEIGHBOURING STATES. THE GOVERNMENT WILL CONTINUE TO PROMOTE OPPORTUNITIES FOR CO-OPERATIVE CO-EXISTENCE AND JOINT ECONOMIC PROGRESS.

IN THIS PROCESS IT HAS BEGUN TO BECOME CLEAR THAT SA IS BEING ACCEPTED BY ITS NEIGHBOURS AND OTHERS AS AN INTEGRAL PART OF AFRICA AND AS A RELIABLE AND STABLE PARTNER. THIS MAKES THE PROSPECTS FOR FUTURE RELATIONS WITH THE STATES OF AFRICA PROMISING.

IN THE CONSTITUTIONAL FIELD A NEW ERA HAS DAWNED IN WHICH WE HAVE FINALLY BROKEN WITH THE COLONIALIST PAST THAT CHARACTERISED THIS SUBCONTINENT FOR SO MANY DECADES AND WAS RESPONSIBLE FOR SO MANY RESTRICTIONS ON POLITICAL PARTICIPATION. IT WAS POSSIBLE FOR THE NEW CONSTITUTIONAL DISPENSATION TO BEGIN FUNCTIONING, THANKS TO THE TIRELESS EFFORTS THAT WENT INTO CREATING THE ADMINISTRATIONS TO DEAL WITH THE OWN AFFAIRS OF EACH OF THE HOUSES OF PARLIAMENT.

AS FAR AS THE OTHER LEVELS OF GOVERNMENT ARE CONCERNED, A NEW DISPENSATION IS ALREADY BEING SYSTEMATICALLY IMPLEMENTED AT THE LOCAL GOVERNMENT LEVEL TO GIVE ALL COMMUNITIES A SAY IN DECISION-MAKING PROCESSES THAT AFFECT THEM AT THAT LEVEL. IT HAS ALREADY BEEN DECIDED TO INVOLVE BLACK LOCAL AUTHORITIES IN THE COUNCIL FOR THE CO-ORDINATION OF LOCAL GOVERNMENT AFFAIRS AND IN THE REGIONAL SERVICES COUNCILS, WHOSE ACTIVITIES ARE GOING TO BE OF GREAT IMPORTANCE IN THE DAILY LIFE OF EVERY SOUTH AFRICAN.

THE UNREST IN BLACK URBAN AREAS CANNOT BE IGNORED. IT MUST, HOWEVER, BE EMPHASISED THAT STEPS WILL CONTINUE TO BE TAKEN AGAINST THOSE WHO PROMOTE VIOLENCE AND LAWLESSNESS. THERE IS CLEAR EVIDENCE THAT THE VAST MAJORITY OF THE RESIDENTS OF THESE AREAS SUPPORT THE GOVERNMENT'S ACTION TO MAINTAIN ORDER AND ARE THEMSELVES BEGINNING TO OPPOSE THE ELEMENT OF CRIME AND VIOLENCE THAT IS THWARTING EFFORTS TO IMPROVE THE QUALITY OF LIFE AND PARTICIPATION IN POLITICAL PROCESSES.

AT THE SAME TIME THE GOVERNMENT ACKNOWLEDGES THAT THERE ARE CERTAIN PROBLEMS THAT LEAD TO FRUSTRATION IN BLACK COMMUNITIES. THE ELIMINATION OF THESE PROBLEMS IS RECEIVING URGENT ATTENTION SO AS TO CREATE BETTER PROSPECTS FOR ALL. NO RESPONSIBLE SOUTH AFRICAN CAN LOSE SIGHT OF THE FACT THAT IN THE FINAL INSTANCE THE SECURITY OF OUR COUNTRY DEPENDS ON THE WILLINGNESS OF ALL OUR PEOPLE, DESPITE THE CONSIDERABLE DIVERSITY, TO ACCEPT THAT WE HAVE COMMON INTERESTS AND GOALS.

EDUCATION IS THE KEY TO A BETTER LIFE FOR ALL. THE GOVERNMENT THEREFORE PLACES A HIGH PREMIUM ON IMPROVED PROVISION OF EDUCATION WITH A VIEW TO ATTAINING THE IDEAL OF EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL COMMUNITIES IN SA. THE NEW CENTRAL DEPARTMENT OF NATIONAL EDUCATION IS RESPONSIBLE FOR A JOINT GENERAL POLICY AND JOINT STANDARDS



FOR THE EDUCATION OF ALL POPULATION GROUPS. IN THE BLACK COMMUNITIES NEW STRUCTURES HAVE BEEN CREATED TO BRING ABOUT BETTER COMMUNICATION BETWEEN PUPILS, TEACHERS, PARENTS, COMMUNITY LEADERS AND THE EDUCATIONAL AUTHORITIES.

HOWEVER, IMPROVING THE QUALITY OF LIFE OF OUR PEOPLE ALSO REQUIRES A SOUND AND VIGOROUS ECONOMY. WITHOUT A STRONG ECONOMY IT IS IMPOSSIBLE TO SAFEGUARD THE NECESSARY REFORMS IN THE POLITICAL AND SOCIAL SPHERES.

DESPITE THE RELATIVELY HIGH ECONOMIC GROWTH RATE REALISED LAST YEAR, THERE IS CONCERN AT PRESENT, OFTEN WITHOUT CAUSE, ABOUT ECONOMIC CONDITIONS AND THE ECONOMIC PROSPECTS IN BOTH THE SHORT AND THE LONGER TERM.

SA PASSED THROUGH TWO ECONOMIC PHASES DURING 1984. DESPITE THE DECLINE IN THE GOLD PRICE AND THE CONTINUING DROUGHT, THE ECONOMY EXPANDED CONSIDERABLY DURING THE FIRST HALF OF THE YEAR. IN FACT, THIS UPSWING WAS SO VIGOROUS THAT IT LED TO AN EXCESSIVE INCREASE IN TOTAL SPENDING AND THEREFORE CONTRIBUTED TO INFLATION AND TEMPORARY BALANCE OF PAYMENTS PROBLEMS. TO CORRECT THIS THE AUTHORITIES INTRODUCED RESTRICTIVE MONETARY AND OTHER MEASURES, WHICH SUCCEEDED IN EFFECTIVELY CURBING TOTAL SPENDING AND SUBSTANTIALLY IMPROVING THE BALANCE OF PAYMENTS. AS PART OF THIS PROCESS OF ADJUSTMENT THE ECONOMY ENTERED A TEMPORARY DOWNTURN IN THE BUSINESS CYCLE DURING THE SECOND HALF OF 1984. BUT FOR THE YEAR AS A WHOLE REAL ECONOMIC GROWTH TOOK PLACE AT THE UNEXPECTEDLY HIGH RATE OF 4 PER CENT, AS OPPOSED TO A NEGATIVE GROWTH RATE OF 3 PER CENT IN 1983.

LARGELY AS A RESULT OF FACTORS BEYOND OUR CONTROL SA IS AT PRESENT LESS WELL OFF IN SEVERAL RESPECTS THAN A YEAR OR TWO AGO, PARTICULARLY IN TERMS OF BUYING POWER ABROAD. EVERY SOUTH AFRICAN IS AFFECTED BY THIS. THIS REQUIRES CERTAIN ADJUSTMENTS FROM BOTH THE PUBLIC SECTOR AND INDIVIDUALS AND ORGANISATIONS IN THE PRIVATE SECTOR - ADJUSTMENTS AIMED AT ENSURING THAT WE ALL LIVE WITHIN OUR MEANS. INSTEAD OF GIVING RISE TO PESSIMISM THIS SHOULD BE AN INCENTIVE TO US TO MAKE THE NECESSARY CORRECTIONS AND TAKE UP THE CHALLENGE. PHASES OF ADJUSTMENT IN THE ECONOMY ARE A NORMAL ECONOMIC PHENOMENON AND PROVIDE THE BREATHING SPACE FOR FOREIGN RESERVES TO BE BUILT UP AND FOR THE OTHER PROBLEMS THAT EXERT PRESSURE ON COSTS AND PRICES TO BE EASED.

THE PRESENT CIRCUMSTANCES PROVIDE AN IDEAL OPPORTUNITY FOR OUR ENTIRE EXPORT COMMUNITY TO EXPLOIT THE ADVANTAGES OF THE LOW RAND/DOLLAR VALUE TO THE FULL BY OPERATING MORE AGGRESSIVELY ON THE EXPORT MARKETS SO AS TO GAIN A LARGER SHARE OF THE WORLD MARKET. THIS WILL HELP TO REDUCE UNDERUTILISED PRODUCTION CAPACITY AND SO CUT THE UNIT OF PRODUCTION. THIS WILL NOT ONLY MAKE AN IMPORTANT CONTRIBUTION TO THE FIGHT AGAINST INFLATION BUT ECONOMIC ACTIVITIES CAN ALSO BE STIMULATED CONSIDERABLY AND UNEMPLOYMENT CURBED.

THE GOVERNMENT ATTACHES GREAT VALUE TO AN EXPORT LED RECOVERY AND THEREFORE WANTS TO ENCOURAGE THE PRIVATE



SECTOR TO MAKE USE OF THE LARGE VARIETY OF EXPORT PROMOTION SERVICES OFFERED BY THE AUTHORITIES. INITIATIVES HAVE ALREADY BEEN TAKEN IN THIS REGARD IN CO-OPERATION WITH THE ORGANISATIONS CONCERNED IN THE PRIVATE SECTOR, AND MORE INFORMATION ON THIS AND ON WAYS IN WHICH INDIVIDUAL COMPANIES CAN MAKE A CONTRIBUTION WILL BE RELEASED SHORTLY. AS TO AGRICULTURE, I AM ONLY TOO WELL AWARE OF THE CONTINUED DIFFICULTIES WITH WHICH MANY MEMBERS OF THE FARMING COMMUNITY HAVE HAD TO COPE OVER THE PAST TWO OR THREE YEARS - OFTEN OWING TO FACTORS BEYOND THEIR CONTROL AND THAT OF THE STATE. THESE HAVE INCLUDED THE SEVERE DROUGHT, PARTICULARLY IN CERTAIN SUMMER-RAINFALL AREAS, AND INCREASED INPUT PRICES IN AGRICULTURE RESULTING FROM DOMESTIC INFLATION AND THE EFFECT OF A STRONG DOLLAR ON THE EXCHANGE RATE OF THE RAND AND OTHER CURRENCIES. GOOD RAINS HAVE RECENTLY BROUGHT RENEWED COURAGE AND IMPROVED PROSPECTS IN MANY AREAS, BUT IT MUST BE REALISED THAT IN SOME AREAS REAL RECOVERY WILL BE A LONG-TERM PROCESS.

ENORMOUS AMOUNTS HAVE BEEN SPENT DURING THE PAST YEAR IN EFFORTS TO STABILISE AGRICULTURE AND FURTHER SUBSTANTIAL ASSISTANCE WILL BE REQUIRED THIS YEAR. RESEARCH IS CONCENTRATING ON THE PROMOTION OF EFFICIENCY IN AGRICULTURAL PRODUCTION, AND THIS INCLUDES THE DRAWING UP OF A NATIONAL PASTURE STRATEGY FOR THE OPTIMUM UTILISATION OF GRAZING. AGRICULTURE ALSO BENEFITS FROM PROGRAMMES INTRODUCED WITH A VIEW TO ALLEVIATING CYCLICAL UNEMPLOYMENT. SOME 50 000 UNEMPLOYED PEOPLE HAVE ALREADY BEEN PROVIDED WITH JOBS SINCE 1983, AND THESE PROGRAMMES WILL BE CONTINUED.

IN THE ECONOMIC SPHERE A FURTHER IMPROVEMENT IN THE BALANCE OF PAYMENTS CAN BE EXPECTED THIS YEAR. UNLESS THE US DOLLAR CONTINUES TO APPRECIATE AGAINST OTHER CURRENCIES THE RAND SHOULD STRENGTHEN IN THE COURSE OF 1985.

IN THE SHORT-TERM IT IS LIKELY THAT THE INFLATION RATE WILL SHOW A FURTHER TEMPORARY INCREASE AND THAT ECONOMIC ACTIVITIES IN GENERAL WILL CONTINUE TO SLOW DOWN. BUT IN DUE COURSE THE BENEFICIAL EFFECTS OF THE PRESENT STRATEGY WILL HAVE TO MAKE THEMSELVES FELT FULLY IN A LOWER INFLATION RATE AND HIGHER REAL ECONOMIC GROWTH RATES. THE GOVERNMENT IS THEREFORE DETERMINED TO PERSIST WITH THE STRATEGY, AND THIS APPROACH WILL FIND DUE EXPRESSION IN THE BUDGET TO BE TABLED IN MARCH.

THE DE KOCK COMMISSION OF INQUIRY INTO MONETARY POLICY IS EXPECTED TO SUBMIT ITS FINAL REPORT SOON, AND TO THE EXTENT THAT ITS RECOMMENDATIONS PROVE TO BE ACCEPTABLE TO THE GOVERNMENT, IMPORTANT FINANCIAL REFORMS AND NEW BANKING AND BUILDING SOCIETY LEGISLATION WILL BE INTRODUCED DURING THE CURRENT SESSION OF PARLIAMENT. LIKewise THE MARGO COMMISSION IS AT PRESENT HARD AT WORK ON A REVISION OF THE TAX STRUCTURE AS A WHOLE AND IS GIVING ATTENTION TO THOSE MATTERS REQUIRING EARLY ACTION. THE COMMISSION IS EXPECTED TO COMPLETE ITS WORK DURING 1986.

IT IS TRUE THAT UNTIL NOW THE EMPHASIS IN THE PROCESS OF ADJUSTMENT HAS HAD TO BE MAINLY ON MONETARY POLICY. HOWEVER, THE GOVERNMENT IS DETERMINED TO APPLY STRICT FISCAL



DISCIPLINE, AS IS CLEAR FROM THE RECENT ANNOUNCEMENT THAT, BECAUSE OF THE PRESENT ECONOMIC CLIMATE, NO GENERAL SALARY INCREASES WILL BE GRANTED FOR THE GOVERNMENT SERVICE IN GENERAL DURING THE 1985/1986 FINANCIAL YEAR. IN ADDITION IT HAS ALSO BEEN DECIDED TO BRING ABOUT A CONSIDERABLE SAVING ON STAFF EXPENDITURE IN THE PUBLIC SECTOR, WITH THE EMPHASIS ON AN IMPROVEMENT IN PRODUCTIVITY. IT WOULD THEREFORE BE NO MORE THAN REASONABLE TO EXPECT EMPLOYERS AND EMPLOYEES IN THE PRIVATE SECTOR TO APPROACH WAGE AND SALARY NEGOTIATIONS WITH THE UTMOST RESPONSIBILITY.

BUT GOVERNMENT EXPENDITURE CANNOT SIMPLY BE CUT ACROSS THE BOARD: PRIORITIES HAVE TO BE DETERMINED WITH DUE REGARD TO THE COUNTRY'S DEVELOPMENT NEEDS, ITS SOCIO-POLITICAL CIRCUMSTANCES AND THE THREATS TO ITS SECURITY. THE NATIONAL PRIORITIES COMMITTEE ESTABLISHED BY LAW TOWARDS THE END OF THE PREVIOUS PARLIAMENTARY SESSION AND FUNCTIONING UNDER MY CHAIRMANSHIP IS GIVING URGENT ATTENTION TO THIS. PROVISIONAL PRIORITY GUIDELINES HAVE ALREADY BEEN LAID DOWN AND THESE WILL BE REFINED FURTHER IN THE LIGHT OF A NATIONAL ECONOMIC STRATEGY AT PRESENT BEING DEVELOPED FURTHER AND EXTENDED THROUGH THE ECONOMIC ADVISORY COUNCIL IN CLOSE CO-OPERATION WITH THE PRIVATE SECTOR. IN THIS PROCESS THE GOVERNMENT WILL NOT HESITATE TO CURTAIL, TERMINATE OR TRANSFER TO THE PRIVATE SECTOR CERTAIN SERVICES THAT SHOULD NOT BE ITS EXCLUSIVE RESPONSIBILITY.

IT REMAINS THE GOVERNMENT'S STATED POLICY TO PROMOTE PRIVATE INITIATIVE AND EFFECTIVE COMPETITION. WHILE EDUCATION AND TRAINING ALWAYS PLAY AN IMPORTANT ROLE IN REDUCING INEQUALITIES BETWEEN PARTICIPANTS IN THE MARKET, THE STATE STILL HAS THE IMPORTANT FUNCTION OF INTERVENING, AS AND WHEN NECESSARY, IF THE INTERESTS OF ALL GROUPS ARE HARMED BY THE DISRUPTIVE ACTIONS OF OTHERS.

IN THE CONSTITUTIONAL FIELD I WANT TO STRESS THAT THE GOVERNMENT IS RESOLVED TO PURSUE PEACEFUL AND DEMOCRATIC SOLUTIONS THAT SATISFY THE REQUIREMENTS OF FAIRNESS AND JUSTICE.

THE GOVERNMENT'S GENERAL CONSTITUTIONAL GOAL IS, WHILE MAINTAINING SECURITY, STABILITY AND SELF-DETERMINATION FOR EACH GROUP, TO GIVE ALL THE COUNTRY'S PEOPLE A SAY IN DECISION-MAKING THAT AFFECTS THEIR INTERESTS. THIS APPLIES TO ALL THE POPULATION COMMUNITIES OF SOUTH AFRICA.

INDEED, THE REASON WHY THE SPECIAL CABINET COMMITTEE WAS APPOINTED WAS TO MAKE RECOMMENDATIONS, AFTER INVESTIGATION AND NEGOTIATION, ON THE WAY IN WHICH THIS GOAL CAN BE GIVEN PRACTICAL EXPRESSION IN THE FORM OF CONSTITUTIONAL STRUCTURES INVOLVING THE BLACK COMMUNITIES.

IT REMAINS THE GOVERNMENT'S POINT OF DEPARTURE THAT BECAUSE OF THE DIVERSITY OF SOUTH AFRICAN SOCIETY, IT IS NEITHER DESIRABLE NOR PRACTICAL TO ACCOMMODATE ALL COMMUNITIES IN THE SAME WAY. DIFFERENT STRUCTURES BY NO MEANS IMPLY THAT THE RIGHT OF BLACK PEOPLE TO TAKE PART IN DEMOCRATIC PROCESSES IS NOT RECOGNISED. NOR WILL THE STRUCTURES SET UP FOR THEM BE INFERIOR OR LESS EFFECTIVE.



AGAINST THIS BACKGROUND THE SPECIAL CABINET COMMITTEE HAS NEGOTIATED OVER A WIDE FRONT WITH LEADERS OF VARIOUS COMMUNITIES. ALTHOUGH THE COMMITTEE'S WORK IS BY NO MEANS DONE, REAL PROGRESS WAS MADE DURING THESE DISCUSSIONS WITH REGARD TO A COMPREHENSIVE RANGE OF MATTERS AFFECTING THE LIVES OF THE BLACK COMMUNITIES.

I CONSIDER IT NECESSARY TO INFORM PARLIAMENT ABOUT THIS PROGRESS AND ABOUT THE PROSPECTS FOR THE FUTURE.

IN THE FIRST PLACE IT BECAME CLEAR FROM THE NEGOTIATIONS THAT THE IMPROVEMENT OF THE EVERYDAY CIRCUMSTANCES OF BLACK COMMUNITIES COULD BE EFFECTIVELY PROMOTED BY GIVING SEARCHING ATTENTION TO ATTITUDES AND RELATIONS IN THEIR DAILY HUMAN CONTACTS. DIRECTIVES ARE THEREFORE GOING TO ALL DEPARTMENTS AND OTHER GOVERNMENT BODIES CONCERNED WITH FUNCTIONS RELATING TO BLACKS IN THE SOCIO-ECONOMIC SPHERE TO SUBMIT PROGRAMMES FOR THE IMPROVEMENT OF ATTITUDES IN THE PERFORMANCE OF THEIR FUNCTIONS AND FOR THE ELIMINATION OF PROBLEMS IDENTIFIED IN THEIR RESPECTIVE FIELDS. IN ADDITION, ALL GOVERNMENT BODIES MUST ENSURE THAT BLACK COMMUNITIES ARE INVOLVED IN DECISION-MAKING THAT AFFECTS THEM IN THE SOCIO-ECONOMIC SPHERE. THIS MUST TAKE PLACE THROUGH MECHANISMS FOR LIAISON SPECIALLY DESIGNED FOR THIS PURPOSE, THROUGH THEIR PARTICIPATION IN INVESTIGATIONS AFFECTING THEIR POSITION AND THROUGH THEIR APPOINTMENT TO STATUTORY AND OTHER BODIES.

THE FOLLOWING PROBLEMS HAVE ALREADY RECEIVED ATTENTION.

URGENT AND CONVINCING REPRESENTATIONS HAVE BEEN RECEIVED FROM VARIOUS QUARTERS THAT IT SHOULD BE MADE POSSIBLE FOR MEMBERS OF THE BLACK COMMUNITIES WHO QUALIFY FOR 99-YEAR LEASEHOLD RIGHTS TO OBTAIN FULL INDIVIDUAL PROPERTY RIGHTS IN THOSE AREAS WHERE THEY QUALIFY FOR LEASEHOLD RIGHTS.

AS FAR AS FIXED PROPERTY IS CONCERNED, THERE IS A MISTAKEN BELIEF IN CERTAIN CIRCLES IN SA THAT THE ACQUISITION OF RIGHTS TO LAND LEADS TO THE ACQUISITION OF RESIDENTIAL AND POLITICAL RIGHTS. IN FACT RESIDENTIAL AND POLITICAL RIGHTS ARE REGULATED BY MEASURES OTHER THAN THOSE RELATING TO LAND RIGHTS. THIS APPLIES TO ALL POPULATION GROUPS.

THE GOVERNMENT HAS ALREADY ACCEPTED THAT MEMBERS OF BLACK COMMUNITIES WHO SATISFY CERTAIN REQUIREMENTS CAN OBTAIN LEASEHOLD RIGHTS WITHOUT THIS IMPLYING POLITICAL RIGHTS. A CHANGE IN THE WAY IN WHICH THESE RIGHTS ARE EXERCISED, THAT IS WHETHER AS LEASEHOLD RIGHTS OR AS RIGHTS OF OWNERSHIP, HAS NO IMPLICATIONS AT ALL FOR THE CONTENT OF THE EXISTING RESIDENTIAL AND POLITICAL RIGHTS.

I SYMPATHISE WITH THESE REPRESENTATIONS AND UNDERSTAND THE SIGNIFICANCE THAT PROPERTY RIGHTS HAVE FOR PEOPLE AND THE IMPORTANCE OF SUCH RIGHTS IN THE DEVELOPMENT OF AN EFFECTIVE SYSTEM OF LOCAL GOVERNMENT. HOWEVER, THE GRANTING OF INDIVIDUAL PROPERTY RIGHTS CANNOT BE RESTRICTED TO AREAS OUTSIDE THE SELF-GOVERNING NATIONAL STATES. THE GOVERNMENT IS THEREFORE PREPARED TO NEGOTIATE WITH POLITICAL LEADERS OF THE COMMUNITIES INVOLVED ON THE GRANTING OF PROPERTY RIGHTS IN THE AREAS CONCERNED IN THE RSA AND IN THE SELF-GOVERNING



NATIONAL STATES.

STEPS TO PROMOTE ORDERLY URBANISATION AND TO ELIMINATE NEGATIVE AND DISCRIMINATORY ASPECTS OF INFLUX CONTROL ARE RECEIVING URGENT CONSIDERATION. IT IS ALSO THE GOVERNMENT'S FIRM INTENTION THAT PROBLEMS RELATING TO THE RESETTLEMENT OF COMMUNITIES WILL BE GIVEN ATTENTION AND RESOLVED TO THE GREATER SATISFACTION OF ALL THOSE CONCERNED.

IN THE CONSTITUTIONAL FIELD CERTAIN DECISIONS HAVE BEEN TAKEN IN THE LIGHT OF THE INVESTIGATIONS OF THE SPECIAL CABINET COMMITTEE.

1. CO-OPERATION WITH THE INDEPENDENT STATES WITHIN THE MULTI-LATERAL DISPENSATION WILL, IN LINE WITH THE CURRENT TREND, BE EXTENDED FURTHER AT A LEVEL AT WHICH THE GOVERNMENTS CONCERNED ARE GIVEN A SAY REGARDING ACTIONS BY THE RSA THAT AFFECT THEM, AND VICE VERSA.
2. INDEPENDENCE WILL REMAIN THE GOAL IN THE CASE OF ALL THE SELF-GOVERNING NATIONAL STATES, BUT SINCE THE GOVERNMENT DOES NOT INTEND FORCING THIS ON ANYONE, THERE WILL BE INCREASING CO-OPERATION WITH SELF-GOVERNING NATIONAL STATES WITHIN COLLECTIVE STRUCTURES. IN THE MEANTIME INVESTIGATIONS WILL BE CONDUCTED AND NEGOTIATIONS WILL BE UNDERTAKEN REGARDING FURTHER STAGES OF AUTONOMY BETWEEN SELF-GOVERNMENT AND FULL INDEPENDENCE.
3. THE GOVERNMENT ACCEPTS THE PERMANENCE IN THE RSA OF LARGE NUMBERS OF MEMBERS OF BLACK POPULATION COMMUNITIES WHO FIND THEMSELVES OUTSIDE THE NATIONAL STATES. AFTER THOROUGH INVESTIGATION IT IS ALSO ACCEPTED THAT NOT ALL THESE PEOPLE CAN EXPRESS THEMSELVES POLITICALLY BEYOND THE LOCAL LEVEL VIA THE GOVERNMENT STRUCTURES OF THE NATIONAL STATES. THE INTENSIVE PROMOTION OF THE LOCAL GOVERNMENT SYSTEM FOR BLACK COMMUNITIES AND STEPS TO INCREASE THE CREDIBILITY OF EXISTING LOCAL AUTHORITIES ARE VITAL. IT HAS THEREFORE BEEN DECIDED TO TREAT SUCH COMMUNITIES, FOR CONSTITUTIONAL PURPOSES, AS ENTITIES WHICH IN THEIR OWN RIGHT, WITH RETENTION OF THE PRINCIPLE THAT NO POPULATION GROUP SHOULD BE PLACED IN A POSITION TO RULE OVER ANOTHER, MUST BE GIVEN POLITICAL PARTICIPATION AND A SAY AT HIGHER LEVELS. THEREFORE, STRUCTURES MUST BE DEVELOPED FOR BLACK COMMUNITIES OUTSIDE THE NATIONAL STATES THROUGH WHICH THEY CAN THEMSELVES DECIDE ON THEIR OWN AFFAIRS UP TO THE HIGHEST LEVEL. THE SAME BODIES CAN SERVE, AT THE VARIOUS LEVELS, AS LINKS FOR CO-OPERATION ON MATTERS OF COMMON INTEREST WITH GOVERNMENT BODIES OF THE RSA, THE INDEPENDENT FORMER NATIONAL STATES AND THE SELF-GOVERNING NATIONAL STATES.
4. TO AVOID UNNECESSARY FRAGMENTATION AT THE CONSTITUTIONAL LEVEL THE GOVERNMENT FURTHERMORE HAS DECIDED THAT IN THE LONGER TERM EFFORTS SHOULD BE MADE TO CO-OPERATE ON MATTERS OF COMMON INTEREST WITHIN THE SAME OVERALL FRAMEWORK WITH THE VARIOUS POLITICAL



ENTITIES THAT FIND THEMSELVES WITHIN THE SOUTH AFRICAN CONTEXT.

5. THE DECISIONS REACHED REGARDING THE CONSTITUTIONAL POSITION OF BLACK COMMUNITIES INDICATE THAT CLARITY MUST BE REACHED SOON ON THE QUESTION OF CITIZENSHIP. THE GOVERNMENT CONFIRMS THAT IT IS ITS INTENTION TO DO SO. FOR THIS REASON THE SPECIAL CABINET COMMITTEE HAS BEEN DIRECTED TO SUBMIT A REPORT AND RECOMMENDATIONS, TO BE BASED ON INVESTIGATION AND NEGOTIATION, ON THE PROBLEMS OF TERMINOLOGY AND CONTENT THAT SURROUND THE QUESTION OF CITIZENSHIP.

FROM THE DELIBERATIONS OF THE CABINET COMMITTEE IT BECAME CLEAR THAT COMMUNICATION AND MUTUAL TRUST BETWEEN THE POPULATION GROUPS CONCERNED MUST BE IMPROVED IF PEACEFUL CONSTITUTIONAL DEVELOPMENT IS TO BE SUCCESSFULLY PURSUED. IT IS NECESSARY, THEREFORE, THAT THE EXISTING MECHANISMS FOR NEGOTIATION BE IMPROVED AND THAT THE PROCESS OF NEGOTIATION BE SUBSTANTIALLY EXTENDED.

IN MY CAPACITY AS THE PERSON WITH THE FINAL RESPONSIBILITY FOR MATTERS AFFECTING THE BLACK COMMUNITIES I HAVE THEREFORE, AFTER CONSULTATION WITH THOSE CONCERNED, DECIDED TO SUPPLEMENT THE ACTIVITIES OF THE SPECIAL CABINET COMMITTEE BY ESTABLISHING AN INFORMAL, NON-STATUTARY FORUM IN WHICH INTEREST GROUPS AND REPRESENTATIVES OF THE GOVERNMENT BODIES CONCERNED WILL PARTICIPATE ON AN AD HOC BASIS AND BY INVITATION.

THIS FORUM WILL BE CHAIRED BY THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING. THERE WILL BE OPEN DISCUSSION ON A WIDE RANGE OF CONSTITUTIONAL AND RELATED MATTERS TO IMPROVE COMMUNICATION BETWEEN THE GOVERNMENT AND BLACK COMMUNITIES AND TO CREATE A MORE FAVOURABLE BASIS FOR NEGOTIATIONS AIMED AT ARRIVING AT MUTUALLY ACCEPTABLE DEVELOPMENT STEPS IN THE CONSTITUTIONAL FIELD.

BUT NONE OF THESE STEPS CAN BE TAKEN SUCCESSFULLY WITHOUT THE CO-OPERATION OF THOSE WHOSE CIRCUMSTANCES ARE INTENDED TO BE IMPROVED BY THEM.

I THEREFORE EXPECT RESPONSIBLE BLACK LEADERS TO TAKE THE HAND THAT IS BEING EXTENDED TO THEM AND TO WORK TOGETHER ON THE DEVELOPMENT OF THEIR COMMUNITIES AND ON THE CREATION OF EFFECTIVE STRUCTURES FOR DECISION-MAKING AND CO-OPERATION.

WE WILL SUCCEED IN BREAKING DOWN THE PREJUDICE AND DISTRUST THAT MAY BE PRESENT ONLY IF WE ARE PREPARED TO BRIDGE THE COMMUNICATIONS GAP AND TO TALK TO ONE ANOTHER. THIS REQUIRES HONESTY AND A GENEROSITY OF SPIRIT. IT ALSO REQUIRES VISION, STATEMANSHIP AND FAITH.

I BELIEVE THAT RESPONSIBLE LEADERS OF SA, OF WHATEVER POPULATION GROUP, HAVE THE QUALITIES NOT TO FAIL THIS TEST.

UNFORTUNATELY THERE ARE THOSE WITHIN AND OUTSIDE OUR BORDERS WHO FEEL THAT THEIR UNCONSTITUTIONAL AIMS ARE FRUSTRATED BY PEACE, PROSPERITY AND STABILITY IN SOUTH AND



SOUTHERN AFRICA. THEY ARE THE PEOPLE WHO WILL MAKE USE OF EVERY OPPORTUNITY TO CAUSE DISRUPTION AND CHAOS AND TO SOW UNREST AT THE EXPENSE OF THOSE WHOSE INTERESTS THEY ARE OSTENSIBLY SERVING.

SUCH ACTIONS WILL BE COUNTERED WITH EVERYTHING AT OUR DISPOSAL. OUR IDEAL IS TO PROMOTE THE WELFARE OF EVERY SOUTH AFRICAN, AND SAFEGUARDING THE SECURITY, DEMOCRATIC RIGHTS AND HUMAN DIGNITY OF ALL WILL BE GIVEN THE HIGHEST PRIORITY.

MR SPEAKER, MEMBERS OF PARLIAMENT, YOU WILL BE DEBATING THESE AND OTHER MATTERS IN THE COUNCIL CHAMBERS OF THIS PARLIAMENT AND WILL BE ADOPTING LEGISLATION ON THEM.

LET US REALISE THAT, DESPITE THE GREAT PROBLEMS WE STILL HAVE, PROFOUND CHANGES HAVE ALREADY TAKEN PLACE IN OUR CONSTITUTIONAL AND SOCIO-ECONOMIC LIFE.

WE MUST, DESPITE THE CHANGES AND DESPITE THE IDEOLOGICAL AND OTHER DIFFERENCES BETWEEN US, SUCCEED IN CONTINUING EFFECTIVE DECISION-MAKING TO PROMOTE ORDER AND STABILITY.

WE MUST, WHEN ACHIEVING THE IDEAL OF CO-OPERATIVE CO-EXISTENCE - FOR OUR COUNTRY REQUIRES THIS - RISE ABOVE AN EXAGGERATED EMPHASIS OF OUR OWN INTERESTS WHICH IS TO THE DETRIMENT OF OTHERS.

DEMOCRATIC STRUCTURES ARE FRAGILE. WE MUST THEREFORE USE AND DEVELOP THE NEW DECISION-MAKING STRUCTURES CIRCUMSPECTLY AND WITH SELF-CONTROL.

I BELIEVE THAT, WITH THE HELP FROM ABOVE, WE HAVE THE HUMAN AND OTHER RESOURCES TO TRAVEL THE ROAD WE HAVE CHOSEN TO THE END.

MR SPEAKER AND MEMBERS OF PARLIAMENT, ADDITIONAL ESTIMATES OF EXPENDITURE FOR THE CURRENT FINANCIAL YEAR AND ESTIMATES OF REVENUE AND EXPENDITURE FOR THE NEXT FINANCIAL YEAR WILL BE SUBMITTED TO YOU DURING THE SESSION.

IT IS MY PRAYER THAT THE BLESSING OF GOD ALMIGHTY WILL GUIDE AND SUPPORT YOU IN YOUR WORK AND DELIBERATIONS.

I NOW DECLARE THIS SECOND SESSION OF THE EIGHTH PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA DULY OPENED.

ISSUED BY MINISTER (INFORMATION)  
SOUTH AFRICAN EMBASSY  
LONDON

25 January 1985



Enclosure to SUP.3

SUMMARY OF THE SPEECH BY THE STATE PRESIDENT THE HON.  
P.W. BOTHA ON 25 JANUARY 1985 AT THE OPENING OF PARLIAMENT

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The South African Parliament has changed drastically over the past hundred years. The democratic base of the system has been broadened, and provision is being made for a system aimed at accomodating South Africa's unique circumstances.

South Africa has indissoluble links with the rest of the world, and wants to take her place in the community of nations, and in particular on the continent of Africa. While South Africa takes cognisance of the implications of the views of both friendly and hostile nations, she will not be prescribed to. Co-operation with neighbouring states and Black constitutional development are undertaken in the interests of South Africa, and not to please the outside world.

Regarding South Africa's position in southern Africa, the Government will continue to promote opportunities for co-operation, co-existence and economic progress.

The Government is engaged in a programme of fundamental reform in every sphere of life. This is a continuing process, but because it is evolutionary, its effects, no matter how profound, are not always so dramatically obvious.

In the constitutional field, at local government level, a new dispensation is already being systematically implemented to give all communities a say in decision-making processes that affect them at that level.

The unrest in Black urban areas cannot be ignored. Steps will continue to be taken against those who promote violence and lawlessness, and in this the government has the support of the vast majority of the residents of those areas. At the same time, we acknowledge problems that lead to frustration in Black communities, and the elimination of these problems is receiving urgent attention. In the final instance, the security of our country depends on the willingness of all our people to accept that we have common interests and goals.



Education is the key to a better life for all and the government will continue to work for the ideal of equal educational opportunities for all.

Improving the quality of life requires a sound and vigorous economy. In some respects SA is less well off today than a year or two ago, because of a decline in buying power abroad. All in SA will have to ensure that they live within their means. Circumstances are now ideal for exports, and in fact the government attaches great value to an export-led recovery. In addition, it remains policy to promote private initiative and effective competition.

In the constitutional field, the government's general goal is to give all the country's people a say in decision-making that affects their interests. It is neither desirable nor practicable to accommodate all communities in the same way, and the special Cabinet Committee has been negotiating with leaders of various communities to find solutions.

It has become clear that the everyday circumstances of Black communities can be improved. Directives are being sent to all bodies concerned with functions relating to Blacks, that they must ensure that Black communities are involved in decision-making that affects them in the socio-economic sphere.

The Government has already accepted that members of Black communities that satisfy certain requirements can obtain leasehold rights, without this implying political rights. It will now negotiate with political leaders of the communities involved on the granting of full property rights in addition to these leasehold rights.

Steps to promote orderly urbanisation and eliminate negative and discriminatory aspects of influx control are receiving urgent attention. Problems relating to the resettlement of communities will be given attention and resolved to the greater



satisfaction of all those concerned.

Certain decisions have been taken in the light of the investigations and negotiations of the special Cabinet Committee.

1. Co-operation with the independent states will be extended to give the governments concerned a say regarding actions by the RSA which affect them, and vice-versa.
2. Independence will remain the goal in the case of all the self-governing national states, but this will not be forced on anyone.
3. The Government accepts the permanence of large numbers of Black people in the RSA outside the national states. It is also accepted that not all these people can express themselves politically beyond the local level via the government structures of the national states. Promotion of the local government system for Black communities is vital. It has been decided to treat these communities, for constitutional purposes, as entities which must be given political participation and a say at higher levels. Structures must be developed for those communities through which they can themselves decide on their own affairs up to the highest levels.
4. Unnecessary fragmentation at constitutional level will be avoided by co-operation on matters of common interest within the same overall framework.
5. Clarity must be reached soon on the question of citizenship.

An informal, non-statutory forum will be established under the chairmanship of the Minister for Constitutional Development and Planning, in which interest groups, and representatives of government bodies will participate on an ad hoc basis and by invitation. There will be open discussions on a wide range of constitutional and related matters to improve communication between the government and Black communities.



## PRESS CUTTING.

From SUNDAY TIMES Dated 27 JANUARY 1965

### COMMENT

## Goodbye Verwoerd

**M**R P W BOTHA's speech on Friday was a declaration of intent in all but name — and the intent is good.

It is no exaggeration to say that it was the most important, constructive statement on race policy since Dr Verwoerd codified hard-line apartheid in the 50s and sent South Africa down a dead-end street that imperilled security at home and wrecked our reputation abroad.

True, President Botha has given the sketchiest outline of his intentions, but the thrust of his speech opening Parliament was, undeniably, a momentous shift away from the rigid ideology of the past.

Given the Government's past record, Dr van Zyl Slabbert was understandably cautious in welcoming the moves. But he was equally correct in declaring that Mr Botha's speech signalled a departure from NP dogma which could herald the beginning of a meaningful debate about the future of black and white South Africans.

And if Dr Treurnicht opposes the new moves they cannot be all bad. This shrewd, but dedicatedly verkrampte politician can spot reform a mile off and has sworn to oppose what the CP describes as "the final parting with separate development".

**T**HE knee-jerk rejection by radical black spokesmen also tends to confirm the wisdom of Mr Botha's choice; moderate, incremental reform is the enemy of those whose apocalyptic goals are best served by the tensions that are generated by an unbending government.

There are people on the left who do not relish a debate that will separate the peace-makers from the revolutionaries.

Mr Botha has yet to put legislative flesh on the bones of change which he revealed on Friday, but there can be no question that his envisaged changes in the laws that shape black lives and determine the extent of their participation in the political process represent an irreversible change in policy.

Freehold title and a serious review of South African citizenship for blacks outside the homelands will erode the very fundament of pure apartheid theory.

And when this is combined with a pledge to modify influx control, to review the practice of forced removals, to create a new and more realistic forum for constitutional debate, and to give blacks a political voice "at the highest level", it becomes clear that a serious start is being made in addressing the central problem in South African affairs.

**S**PEED is of the essence; expectations have been awakened and it is vital that our own people as well as the outside world must now see change taking place.

Mr Botha's ultimate goals remain obscure, but that is no bad thing; many South Africans tend to be so fearful of addressing the distant future that they are unwilling to perform the immediately possible.

If Mr Botha's announcement this week heralds a sincere desire to tackle, pragmatically, all the problems that stand in the way of achieving lasting peace and equity for all in this land — and we have no reason to doubt his sincerity — we salute his courage and we urge political leaders of every stamp to become vigorous and creative participants in the debates that follow.

The Editor



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TELEGRAM NUMBER 019 OF 28 JANUARY

INFO PRIORITY PRETORIA, JOHANNESBURG.

INFO SAVING CAPE TOWN CONSULATE (ACTIONED), DURBAN (PTA PSE PASS)

MY TELNO 16: STATE PRESIDENT'S SPEECH.

1. YOU MAY WISH TO HAVE SOME FURTHER REFLECTIONS ON PRESIDENT BOTHA'S STATEMENT AT THE OPENING OF PARLIAMENT. REACTIONS SO FAR HAVE BEEN MIXED. BUT ALL EXCEPT LEADING OPPONENTS OF THE APARTHEID SYSTEM RECOGNISE THE SPEECH AS AN IMPORTANT DEVELOPMENT WHICH SETS THE AGENDA FOR THE POLITICAL DEBATE FROM NOW ON.

2. THE DRAWBACK OF THE STATEMENT IS THAT IT IS STRONG ON GOOD INTENTIONS, WEAK ON SPECIFICS. THIS IS DELIBERATE. IT GIVES LESS OF A TARGET TO THE GOVERNMENT'S RIGHT WING CRITICS- A CONSTANT PREOCCUPATION OF THE PRESENT LEADERSHIP. IT ALLOWS FOR THE NEWLY-ELECTED COLOURED AND INDIAN REPRESENTATIVES TO HAVE SOME ACHIEVEMENTS WHICH THEY CAN CLAIM AS A SUCCESS FOR THEMSELVES DURING THE FORTHCOMING PARLIAMENTARY SESSION. (THIS MAY EXPLAIN WHY THERE WAS NO MENTION IN THE PRESIDENT'S SPEECH ABOUT MATTERS SUCH AS THE MIXED MARRIAGES ACT AND IMMORALITY ACT WHICH HAVE BEEN ALREADY REFERRED TO A PARLIAMENTARY COMMITTEE AND WHERE CHANGES WILL PRIMARILY INTEREST THE COLOURED COMMUNITY RATHER THAN TO BLACKS.) IT ALSO OWES SOMETHING PROBABLY TO CALCULATION ON THE GOVERNMENT'S PART THAT A BROAD BRUSH APPROACH IS TO BE PREFERRED RATHER THAN ANNOUNCING DETAILS ALL AT ONCE. I HAVE SUGGESTED ELSEWHERE THAT REFORM BY STEALTH MAY BE AN ELEMENT IN THE PRESIDENT'S POLITICAL TECHNIQUE.

3. WHILE THE GOVERNMENT'S GUIDING PHILOSOPHY REMAINS INTACT, THE SPEECH DOES REPRESENT A DISTINCT CHANGE OF EMPHASIS. IT RECOGNISES THAT BLACKS MUST BE INCLUDED IN THE CONSTITUTIONAL PROCESS. IT MAKES A NEW BID TO ENLIST MODERATE BLACK SUPPORT. IT TACITLY ADMITS THAT PREVIOUS ATTEMPTS TO FIND COMMON GROUND HAVE PROVED INADEQUATE. IT CORRECTLY HIGHLIGHTS MANY OF THE PROBLEM AREAS. BUT MUCH IS LEFT TO BE FILLED IN. THE APPEAL DEPENDS HEAVILY ON HINTS OF REFORM BEING ON THE WAY. IT WILL TAKE TIME TO BECOME CLEAR HOW FAR THESE HALF PROMISES ARE TO BE TRANSLATED INTO ACTION.

4. ON RESETTLEMENT, FOR INSTANCE, THERE ARE SIGNS THAT THE GOVERNMENT IS SERIOUS ABOUT GIVING UP ITS PREVIOUS POLICY OF REMOVALS OF WHOLE COMMUNITIES AGAINST THEIR WILL. WILJOEN, MINISTER OF CO-OPERATION AND DEVELOPMENT, TOLD ME AS MUCH YESTERDAY, THOUGH HE ADDED THAT WE SHOULD NOT EXPECT RESETTLEMENT

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/ To.



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TO DISAPPEAR ALTOGETHER, E.G. IN CASES OF OVERCROWDING. IN OTHER PLACES WHERE THE PRESIDENT SEEMS TO BE SAYING THE RIGHT THING (INCLUDING A HIGH PREMIUM ON IMPROVED PROVISION FOR EDUCATION AND THE IDEA OF EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL) THE CRITICS WILL REPLY ON LINES OF THE PROOF OF THE PUDDING BEING IN THE EATING. SIMILARLY, WE DO NOT YET KNOW HOW MUCH TO READ INTO THE PRESIDENT'S REMARKS ABOUT CO-OPERATION BETWEEN THE VARIOUS POLITICAL ENTITIES ON MATTERS OF COMMON INTEREST QUOTE WITHIN THE SAME OVERALL FRAMEWORK UNQUOTE. IS THIS A HINT OF SOME KIND OF JOINT COUNCIL EVENTUALLY? A POSSIBLE POINTER WAS GIVEN BY VILJOEN IN A RECENT INTERVIEW WHEN HE REFERRED TO HOPES OF A GREATER INPUT BY NON-ESTABLISHED BLACK UOUCS AND LEADERS, IMPLYING PERHAPS THAT AS WELL AS RADICALS MODPRATES MIGHT BE INCLUDED IN SOME WAY. BUT ONE MUST REMEMBER THAT PREVIOUS MOVES IN THIS DIRECTION HAVE NEVER GOT OFF THE GROUND.

5. THE GOVERNMENT SEEM TO HAVE EXPECTED THE SPEECH TO BE DISMISSED BY ORGANIZATIONS SUCH AS THE UDF WHO ARE OPPOSED TO THEM ROOT AND BRANCH. THEY CAN TAKE SOME COMFORT FROM FIRST REACTIONS OF BLACK LEADERS LIKE MOTLANA IN SOWETO. THE OFFICIAL OPPOSITION ALSO FELT THE SPEECH AN IMMEDIATE POSITIVE FEELING WHILE SUSPENDING JUDGEMENT ABOUT ITS FULL IMPLICATIONS. FOR A FULLER ACCOUNT OF THE PRESIDENT'S SPEECH SEE MIFT.

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TO IMMEDIATE FCO  
TELEGRAM NUMBER 16 OF 25 JANUARY 85  
INFO PRETORIA, JOHANNESBURG, MBABANE, MASERU, GABORONE.  
INFO SAVING CAPE TOWN, DURBAN(PRETORIA PSE PASS)

STATE PRESIDENT'S SPEECH AT OPENING OF PARLIAMENT.

SUMMARY.

PRESIDENT BOTHA MADE A MAJOR POLICY SPEECH TODAY AT THE FIRST FULL SESSION OF THE NEW TRICAMERAL PARLIAMENT. THE GOVERNMENT THEMSELVES SEE THE SPEECH AS AN IMPORTANT STATEMENT OF INTENT ABOUT POLICY TOWARDS THE BLACK COMMUNITY. IN PLACES THE LANGUAGES IS CODED AND IMPRECISE. BUT THE PRESIDENT ANNOUNCED SOME NEW STEPS AND INTRODUCED A FRSH NOTE OF URGENCY. WE SHOULD GIVE HIS STATEMENT A CAUTIOUS WELCOME.

2. MAIN POINTS ARE:

(A) WILLINGNESS TO NEGOTIATE ( A KEY WORD GOING BEYOND PREVIOUS COMMITMENTS TO DISCUSSIONS) THE GRANTING OF PROPERTY RIGHTS. THIS WILL BE SEEN AS AN INDICATION THAT FREEHOLD RIGHTS WILL BE MADE AVAILABLE FOR THE FIRST TIME TO BLACKS WITHIN THE REPUBLIC.

(B) QUOTE STEPS TO PROMOTE ORDERLY URBANISATION AND TO ELIMINATE NEGATIVE AND DISCRIMINATORY ASPECTS OF INFLUX CONTROL ARE RECEIVING URGENT ATTENTION UNQUOTE. THERE IS ALSO AN UNDERTAKING THAT RESETTLEMENT WILL BE GIVEN NEW ATTENTION. THE PRECISE INTENTION IS UNCLER BUT THE INFERENCE IS THAT PROCEDURES FOR CONTROLLING BLACK SETTLEMENT IN THE REPUBLIC AND PROVIDING FOR REMOVALS OF BLACKS FROM WHITE AREAS WILL BE SOFTENED.

(C) THE GOAL OF INDEPENDENCE FOR THE HOMELANDS IS TO BE MAINTAINED, BUT SOME NEW STATUS BETWEEN SELF-GOVERNMENT AND INDEPENDENCE WILL BE EXAMINED. THERE SEEMS TO BE OPEN RECOGNITION THAT MANY BLACKS IN SELF GOVERNING HOMELANDS WISH TO STAY WITHIN THE REPUBLIC.

(D) THE PERMANENT PRESENCE OF LARGE NUMBERS OF BLACKS OUTSIDE THE HOMELANDS IS ACCEPTED TOGETHER WITH THE NEED TO PROVIDE FOR POLITICAL STRUCTURES QUOTE THROUGH WHICH THEY CAN THEMSELVES DECIDE ON THEIR OWN AFFAIRS UP TO THE HIGHEST LEVELS UNQUOTE. THIS APPEARS TO CONFIRM IDEAS WHICH HAVE BEEN UNDER REVIEW FOR SOME TIME FORESHADOWING SOME SORT OF UMBRELLA ORGANISATION IN WHICH BLACKS WOULD PARTICIPATE ALONGSIDE REPRESENTATIVES OF OTHER RACIAL GROUPS.

(E) AN EARLY DECISION IS PROMISED ON THE QUESTION OF CITIZENSHIP WITH THE IMPLICATION THAT THERE MAY BE ADJUSTMENTS HELPFUL TO BLACKS.

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(F) EMPHASIS IS PLACED ON THE NEED FOR MORE DIALOGUE WITH BLACKS. IN PARTICULAR A NEW INFORMAL AND NON-STATUTORY FORUM FOR CONSULTATION IS TO BE CREATED AND A STRONG BID MADE FOR BLACK PARTICIPATION.

3. THIS GENERAL AGENDA WILL NOT WIN OVER THE GOVERNMENT'S BLACK CRITICS. IT IS TOO IMPRECISE AND FAILS TO ACKNOWLEDGE THAT BLACKS HAVE ANY RIGHTS OTHER THAN IN THE CONTEXT OF QUOTE OWN AFFAIRS UNQUOTE, A RESTRICTIVE TERM IN SOUTH AFRICAN USAGE EXCLUDING QUESTIONS OF NATIONAL PRIORITIES. THERE IS NO OVERALL CHANGE IN THE GOVERNMENT'S APPROACH WHICH REMAINS THAT EACH GROUP SHOULD EXERCISE SELF DETERMINATION OVER ITS OWN AFFAIRS IN A WAY APPROPRIATE TO IT.

4. NEVERTHELESS THERE ARE ENCOURAGING SIGNS THAT THE GOVERNMENT MAY BE PREPARED TO REMOVE SOME OF THE MOST OBJECTIONABLE ASPECTS OF APARTHEID. MOREOVER TO DEVOTE THE SUBSTANTIAL PART OF A SPEECH AT THE OPENING OF PARLIAMENT TO BLACK AFFAIRS WILL BE SEEN IN AFRIKANER CIRCLES AS HIGHLY SIGNIFICANT, AS WILL THE GENERAL TENOR OF THE SPEECH. FOR THE PRESIDENT TO ACKNOWLEDGE THE NEED FOR IMPROVED ATTITUDES TO THE BLACKS AND ACCEPTING THAT BLACKS MUST BE INVOLVED IN DECISION MAKING PROCESSES WOULD HAVE BEEN UNTHINKABLE PREVIOUSLY. THE GOVERNMENT CAN EXPECT TO BE SHARPLY ATTACKED BY THE CONSERVATIVE PARTY HERE. THERE MAY EVEN BE RESTIVENESS AMONG THE MORE RIGHT WING MEMBERS OF ITS OWN BACK BENCHERS.

5. I BELIEVE WE SHOULD GIVE A CAUTIOUS WELCOME TO SIGNS IN THE STATEMENT THAT THE GOVERNMENT ARE THINKING OF CHANGES AND MAY BE PREPARED TO MODIFY SOME OF THEIR MOST CONTROVERSIAL POLICIES, EG. POPULATION REMOVALS. WE CAN WELCOME THE EMPHASIS ON GREATER CONSULTATION. WE MIGHT ALSO EXPRESS THE HOPE THAT THE SPEECH WILL BE FOLLOWED UP BY SPECIFIC LEGISLATIVE PROPOSALS FOR REAL CHANGE BENEFICIAL TO THE BLACKS IN SOUTH AFRICA.

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ROME, THE HAGUE, MAPUTO, LUANDA AND PRETORIA.

FOLLOWING FROM PRIVATE SECRETARY

MIBQ: SECRETARY OF STATE'S MEETING WITH MUGABE:

INTERNATIONAL ISSUES

SUMMARY

MUGABE EXPRESSED CONSIDERABLE SUSPICION ABOUT US MOTIVES IN SOUTHERN AFRICA. THE US HAD PERSUADED SOUTH AFRICA TO INSIST ON CUBAN WITHDRAWAL. MUGABE ASKED BRITAIN TO USE ITS INFLUENCE WITH THE US AND SOUTH AFRICA. DISCUSSIONS ON EAST-WEST RELATIONS AND (BRIEFLY) FALKLANDS. MUGABE REVEALED HE HAD RECEIVED A LETTER FROM FRENCH AMBASSADOR CRITICISING BRITISH ATTITUDE ON LOME.

DETAIL

SOUTHERN AFRICA

2. MUGABE BEGAN THE DISCUSSION ON SOUTH AFRICA BY EXPRESSING CONCERN ABOUT THE ROLE OF THE UNITED STATES WHICH WAS MORE OF A HINDRANCE THAN A HELP. HE HAD HOPED AFTER PRESIDENT REAGAN'S RECENT STATEMENT ON APARTHEID THIS WOULD MARK THE TURNING POINT FOR US POLICY. BUT, TO PUT IT MILDLY, HE HAD NOT BEEN IMPRESSED WITH US POLICY THEN OR NOW.

3. MUGABE SAID THAT HE SAW US POLICY ESSENTIALLY AS ENCOURAGING SOUTH AFRICA, THOUGH THE AMERICANS CALLED IT CONSTRUCTIVE ENGAGEMENT. THE SOUTH AFRICANS WERE ENCOURAGED TO PERPETRATE DESTABILISING ACTIONS IN ANGOLA AND MOZAMBIQUE. SOUTH AFRICA HAD TRIED TO MOUNT ACTIONS AGAINST ZIMBABWE BUT THESE HAD BEEN DEALT WITH. THE 'SUPER ZIPRA' DISSIDENTS WERE STILL BEING FUNDED FROM AND TRAINED IN SOUTH AFRICA. FORMER MEMBERS OF THE SELOUS SCOUTS HAD BEEN USED BY THE SOUTH AFRICAN DEFENCE FORCE IN NAMIBIA, ANGOLA AND MOZAMBIQUE.

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4. MUGABE SAID THAT SOUTH AFRICANS WERE TRYING TO UNDERMINE ZIMBABWE'S ECONOMIC PERFORMANCE. IN PARTICULAR THEY WERE TRYING TO THROTTLE ZIMBABWE'S LINKS WITH SEA PORTS. ZIMBABWE HAD THREE BATTALIONS IN MOZAMBIQUE DEFENDING THEIR PIPELINE AND THE ROAD AND RAIL LINKS TO BEIRA, AND TO MALAWI. ZIMBABWE'S USE OF TRANSPORT ROUTES THROUGH SOUTH AFRICA HAD BEEN FORCED TO INCREASE. AFTER UDI AS MUCH AS 84% OF RHODESIA GOODS HAD GONE THROUGH MOZAMBIQUE. NOW IT WAS NOT MORE THAN 40%.

5. MUGABE SAID THAT ZIMBABWE HAD NOT OFFENDED AGAINST SOUTH AFRICA. HE HAD DECIDED THAT IT WAS NOT IN ZIMBABWE'S INTEREST TO SPONSOR OPERATIONS AGAINST SOUTH AFRICA FROM ZIMBABWE. THE SOUTH AFRICANS HAD NOT RECIPROCATED.

6. TURNING TO NAMIBIA, MUGABE SAID THAT SOUTH AFRICA WAS NOW DEMANDING CUBAN WITHDRAWAL FROM ANGOLA BUT THIS WAS REALLY AN RESPONSE TO PRESSURE FROM THE UNITED STATES WHICH WAS NOT GENUINELY INTERESTED IN NAMIBIAN INDEPENDENCE BUT IN ITS GLOBAL POLICY TO GET THE CUBANS OUT OF AFRICA AND TO DEAL A BLOW AGAINST THE SOVIET UNION. MUGABE WAS DISMAYED THAT THE EUROPEAN COUNTRIES STILL TENDED TO GO ALONG WITH THE UNITED STATES. BRITAIN WAS BETTER PLACED THAN ANY COUNTRY TO INFLUENCE US THINKING. HE PERSONALLY VERY MUCH HOPED THAT BRITAIN WOULD USE ITS FULL INFLUENCE TO PUT PRESSURE ON THE UNITED STATES AND UPON SOUTH AFRICA. IF SOUTH AFRICA WAS TOLD IN NO UNCERTAIN TERMS BY BRITAIN THAT IT MUST CHANGE ITS PRESENT POLICY IT WOULD HAVE TO PAY ATTENTION. MUGABE CONCLUDED WITH A RESUME OF ZIMBABWE'S HISTORY SINCE UDI.

7. THE SECRETARY OF STATE SAID THAT WE AGREED WITH ZIMBABWE ON THE FUNDAMENTAL OBJECTIVES OF POLICY IN SOUTHERN AFRICA, NAMELY POLITICAL STABILITY, INDEPENDENCE AND ECONOMIC PROSPERITY. THE QUESTION WAS HOW BEST TO DELIVER THESE OBJECTIVES IN PRACTICE. WE WERE IN FAVOUR OF NAMIBIAN INDEPENDENCE, WITHOUT QUALIFICATION. WE CONSIDERED APARTHEID WAS BASED UPON UNACCEPTABLE CONCEPTS WHICH WERE NOT IN ANY CASE IN THE LONG TERM INTERESTS OF THE PEOPLE. WE WANTED TO SEE THE NKOMATI ACCORD IMPLEMENTED AND WE WANTED TO SEE THE RAILROADS KEPT OPEN.

8. THE SECRETARY OF STATE SAID THAT ON NAMIBIA, IT WAS ESSENTIAL TO IDENTIFY THE FACTORS WHICH IN PRACTICE WOULD LEAD TO AGREEMENT. SOUTH AFRICA HAD AN INTEREST IN NAMIBIAN INDEPENDENCE IN VIEW OF THE GROWING BURDEN ON ITS ECONOMY. IT WAS AN OBJECTIVE FACT THAT THE WITHDRAWAL OF THE CUBAN FORCES WAS NOW THE CHIEF POINT OF NEGOTIATION BETWEEN ANGOLA AND SOUTH AFRICA. PRESIDENT DOS SANTOS HAD PUT FORWARD A TIMETABLE FOR CUBAN WITHDRAWAL WHICH WAS NOW UNDER DISCUSSION. THE CROCKER NEGOTIATIONS WERE MAKING SOME HEADWAY. IT WOULD NOT BE RIGHT TO PUSH OUT THE UNITED STATES AT THIS STAGE. MUGABE INTERVENED TO SAY THAT HE DID NOT WANT TO PUSH OUT THE US. HE SIMPLY WANTED THEM TO CHANGE DIRECTION A BIT AND TO 'TALK TOUGH' WITH SOUTH AFRICA.

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9. THE SECRETARY OF STATE SAID THAT WHEN THEY HAD SEEN THE TWO BOTHAS THE PRIME MINISTER AND HE HAD STRESSED THE IMPORTANCE OF IMPLEMENTING THE NKOMATI ACCORD AND THE NEED FOR STABILITY IN THE REGION. WE HAD ALSO DISCUSSED THESE ISSUES WITH PORTUGAL. MUGABE RESPONDED BY SAYING HE HOPED WE WOULD CONTINUE TO USE OUR INFLUENCE TO PERSUADE SOUTH AFRICA TO STOP DESTABILISING ITS NEIGHBOURS.

#### EAST/WEST RELATIONS

10. MUGABE ASKED THE SECRETARY OF STATE HOW WE SAW THE PROSPECTS FOR THE GENEVA NEGOTIATIONS. HE HAD NOTED THE STATEMENTS MADE BY THE PRIME MINISTER BEFORE AND DURING HER VISIT TO WASHINGTON IN WHICH SHE HAD EMPHASISED HER SOLIDARITY WITH THE UNITED STATES. HE WONDERED WHETHER THE ARMS NEGOTIATIONS STOOD ANY REAL CHANCE IF THE US WAS INSISTING THAT THERE COULD BE NO DISCUSSION ON SDI.

11. THE SECRETARY OF STATE GAVE A BRIEF ACCOUNT OF THE MEETINGS IN LONDON WITH GORBACHEV AND THE PRIME MINISTER'S VISIT TO WASHINGTON, DRAWING UPON THE FOUR POINTS. HE SAID THAT WE WERE CONVINCED OF PRESIDENT REAGAN'S SINCERITY IN SEEKING GENUINE ARMS REDUCTION. ON SDI IT WAS CLEAR THAT BOTH SIDES WERE ENGAGED IN RESEARCH WHICH WOULD OBVIOUSLY CONTINUE. NONETHELESS OUR HOPE WAS THAT BEFORE DEPLOYMENT TOOK PLACE, SDI WOULD BE INCLUDED IN ARMS CONTROL NEGOTIATIONS. THIS HAD BEEN ONE OF THE FOUR POINTS.

#### FALKLANDS

12. IN A BRIEF EXCHANGE ON THE FALKLANDS MUGABE SAID, HALF JOKINGLY, THAT BRITAIN WAS STILL INTRANSIGENT EVEN THOUGH WE HAD WON THE WAR. THE SECRETARY OF STATE EXPLAINED THE BACKGROUND TO THE BERNE NEGOTIATIONS AND THE STEPS WHICH WE HAD TAKEN TO TRY TO NORMALISE RELATIONS WITH ARGENTINA WHILE LEAVING ASIDE THE QUESTION OF SOVEREIGNTY WHICH WAS NOT FOR DISCUSSION. MUGABE ASKED WHETHER SOVEREIGNTY COULD BE DISCUSSED LATER OR WHETHER IT COULD NEVER BE DISCUSSED. THE SECRETARY OF STATE SAID THAT THE MAIN THING WAS TO MOVE TOWARDS A NORMALISATION OF RELATIONS THROUGH DISCUSSION OF OTHER ISSUES. IT WAS UNFORTUNATE THAT THE ARGENTINES HAD LINKED DISCUSSION OF THESE QUESTIONS WITH SOVEREIGNTY, WHICH WAS NOT FOR NEGOTIATION.

#### LOME

13. MUGABE SAID THAT HE HAD HAD A LETTER FROM THE FRENCH AMBASSADOR IN NOVEMBER 1984 WHICH HAD ARGUED THAT BRITAIN WAS THE ONE COUNTRY WHICH WAS STANDING OUT AGAINST AGREEMENT ON LOME. ALTHOUGH WEST GERMANY WAS RELUCTANT TO AGREE ON A FIGURE, THE LETTER HAD SAID, THE FRENCH WERE SURE THAT THEY WOULD GIVE WAY IF BRITAIN WERE NOT SO INTRANSIGENT. THE LETTER HAD IMPLIED THAT WHILE FRANCE WAS FULFILLING HER OBLIGATIONS TO HER FORMER COLONIES, BRITAIN WAS NOT DOING SO. IT HAD SUGGESTED THAT MUGABE

*This is intolerable behaviour by the French*



# CONFIDENTIAL

WRITE TO THE PRIME MINISTER TO ASK HER TO BE MORE FLEXIBLE. THE LETTER HAD ALLEGED THAT, IN TAKING THIS POSITION, BRITAIN WAS SIMPLY FOLLOWING PRESIDENT REAGAN. MUGABE SAID HE HAD BEEN TEMPTED TO SEND A "HUMOROUS" LETTER TO THE PRIME MINISTER BUT AFTER DISCUSSING THIS WITH PRESIDENT KAUNDA RECENTLY HE DECIDED TO AWAIT THE OUTCOME OF THE NEGOTIATIONS WHICH SHOWED THAT AT THE END OF THE DAY THE AMOUNT AVAILABLE HAD BEEN INCREASED. MUGABE SAID WITH A GRIN THAT HE HOPED IN REVEALING THIS HE WAS NOT STARTING ANOTHER ANGLO-FRENCH WAR.

14. THE SECRETARY OF STATE SAID THAT THE ANGLO-FRENCH COMPETITIVE RELATIONSHIP WOULD NO DOUBT ENDURE FOR SOME TIME. HE EXPLAINED THE PROBLEMS OF ALLOCATING RESOURCES FROM PUBLIC EXPENDITURE IN PARTICULAR BALANCING DEMANDS ON BILATERAL AND MULTILATERAL AID. WE PREFERRED TO CONCENTRATE OUR BILATERAL AID ON COMMONWEALTH COUNTRIES TO WHICH TWO-THIRDS OF OUR AID WAS ALLOCATED. WE WERE ALSO KEEN TO SEE GREATER ACCESS TO COMMUNITY MARKETS FOR COMMONWEALTH PRODUCERS. WE SAW NO SENSE IN PREVENTING THEM FROM EARNING EXPORTS WHILE COMPENSATING THEM WITH SOME CASH. WE HAD ALSO BEEN PARTICULARLY ASSIDUOUS IN FIGHTING ZIMBABWE'S CORNER ON SUGAR.

15. MUGABE AGREED THAT IT WAS BETTER TO REDUCE TRADE BARRIERS INSTEAD OF SIMPLY PROVIDING AID. ON SUGAR HE SAID THAT THERE HAD BEEN VERY ADVERSE DEVELOPMENTS WITH THE NEGOTIATING FIGURE REDUCED TO 70,000 TONNES. BUT HE RECOGNISED BRITAIN'S EFFORTS ON ZIMBABWE'S BEHALF.

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10 DOWNING STREET

*From the Private Secretary*

11 December, 1984

Durban

Thank you for your letter of 10 December, supplemented by the subsequent message that the Durban three had given an undertaking to leave the Consulate within 48 hours.

The Prime Minister notes the undertaking and hopes that it will be honoured. She agrees that, in the event it is not honoured, we should take whatever steps are necessary to have them removed from the premises.

C. D. POWELL

L. V. Appleyard, Esq.,  
Foreign and Commonwealth Office



Prime Minister

Since writing the note below,  
we have heard that the  
Durban 3 now say that they  
are prepared to leave the  
Constitute within 48 hours.

Mr. Passell says that we are  
bound to be sceptical, but  
it will be worth looking at  
this turnover in the light of  
any further assurances.

The three may be willing to  
put it in writing, and our  
people in Durban will be making  
every effort to persuade them  
to do so.

S.C.  
Duty Clerk  
10.12.84



Message for. Len  
~~Appleyard~~

Durban.

Flo Evolved a policy.

Suggest that our people will  
tell 3 either sign now or  
they will have to go.

If they sign, M. Rifkind to  
make statement this  
afternoon in H/C + we  
would let S.A. authorities  
know at same time.

If they fail to go, they  
will get police in.





Prime Minister

Foreign and Commonwealth Office

London SW1A 2AH

This recommends that, with the lifting of the detention orders against the three, we should:

- (a) first press them very hard to leave
- (b) if that fails by mid-morning tomorrow, have them evicted.

10 December 1984

It will certainly cause a row. But we are on strong grounds. And if we miss the chance, there may not be another. Agree?

Dear Charles,

Durban

Thank you for your letter of 10 December. You will since have seen Pretoria telno 650 reporting that the South African authorities have lifted the detention orders against several people held under Section 28 of the ISA, including the three in our Consulate in Durban. We know that charges are likely to be brought against two of the three, though this has not yet been announced publicly.

In the Foreign Secretary's absence we have consulted Mr Rifkind who believes the situation has now changed fundamentally. He is concerned that if we do not seize the opportunity now to bring the Durban problem to a close we could be in a much worse position without any possibility of resolution.

In the light of the lifting of the detention orders the three men are now being told by our Embassy staff that we expect them to leave the Consulate forthwith. But the advice which the three are receiving from their lawyer, Yacoob, is that they should remain where they are until the question of whether charges are to be brought against any of them is resolved. Mr Rifkind thinks it is important that we should now require the three to leave the Consulate. It is true that the Prime Minister's letter of 13 September to Mr Kinnock said "from the moment we were first informed of the presence of this group in the Consulate, instructions were issued that they should not be required to leave the premises against their will" (Mr Rifkind subsequently qualified this by the addition of the words "in present circumstances"). But now that the three no longer face detention without trial on leaving the Consulate, Mr Rifkind sees no possible justification, even on humanitarian grounds, for permitting them to stay. He believes that this would be widely understood here. Our position is easier since the South Africans appeared to have delayed deliberately the announcement of the charges against two of the three. It is rumoured that these charges may be of high treason, though we have no confirmation of this. Clearly such serious charges (which in extreme cases carry the death penalty) will affect the public perception of the situation. But even if it were known that charges were likely to be brought (and the three have already concluded that they will be), there is a clear

/distinction





distinction between detention without trial and charges which provide the accused with the opportunity to put their case fully, and which offer the possibility of acquittal. The South African judiciary is reasonably independent and there is no reason to doubt that a trial would not be fair. The very fact that detention orders against some of the six were quashed by an Appeal Court is evidence of this.

Mr Rifkind therefore considers that, if the three refuse to leave the Consulate voluntarily, we would be justified in asking the South African authorities to remove them. If we do not take decisive action now, the three seem likely to remain on our premises indefinitely. There is no possibility that the South African authorities could be persuaded to drop charges, once they had been brought. Your letter recorded the Prime Minister's question "Have we the right to prevent arrest for specific offences, or to retain people under these circumstances". The short answer to both questions is no. We would have no reasonable defence against the accusation that we were obstructing the enforcement of South African law. The refusal on our part to compel the three to leave now that the detention orders have been lifted would inevitably lead to a more serious confrontation with the South African Government. There could be other damaging repercussions with no offsetting compensations elsewhere because of our refusal to evict the three.

In the light of the above Mr Rifkind is recommending to the Foreign Secretary that if our efforts to persuade the three to leave the Consulate voluntarily do not succeed by 1 pm Durban time (11 am in London tomorrow), we should arrange to have them removed from our premises. We would try to avoid calling on the South African authorities but this may in the event be unavoidable. The purpose of this timetable would be to complete action before Prime Minister's Question Time. Mr Rifkind would plan to make a statement in the House immediately afterwards.

We are consulting the Foreign Secretary urgently and in parallel with this letter. But you may wish to consult the Prime Minister since we will have to take a decision by early tomorrow morning.

*Yours ever,*

*Le Appleyard*

(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street



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TO FLASH FCO  
TELNO. 650 OF 10 DEC 1984

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MY TELNO 649: DURBAN CONSULATE

SUMMARY

1. DETENTION ORDERS ARE BEING LIFTED ON ALL 14 MEN HELD UNDER ARTICLE 28, INCLUDING THE 3 IN OUR CONSULATE. FIVER OR SIX OF THEM ARE TO BE CHARGED IN COURT THIS AFTERNOON. NOTHING WQL BE SAID ABOUT CHARGES AGAINST ANY OF THOSE IN THE CONSULATE.

DETAIL

2. THESE POINTS HAVE JUST BEEN GIVEN TO ME OVER THE TELEPHONE BY THE FOREIGN MINISTER. THEY REPRESENT A LAST MINUTE CHANGE IN THE SOUTH AFRICAN PLAN OF ACTION. NEWS OF DETENTION ORDERS BEING LIFTED IS ALREADY BEING CARRIED ON THE RADIO, ALTHOUGH THE MINISTER TOLD ME THAT THERE WOULD BE NO FORMAL ANNOUNCEMENT.

3. PIK BOTHA ALSO TOLD ME THAT THE SOUTH AFRICAN AUTHORITIES WERE INFORMING THE LEGAL ADVISERS OF THE 3 ABOUT THE LIFTING OF DETENTQON ORDERS. WE THEREFORE EXPECT THE LEGAL ADVISERS TO BE IN TOUCH STRAIGHTAWAY WITH THE 3. WE SHALL AGREE TO CONTACT BY TELEPHONE OR A MEETING IF THEY REQUEST IT.

4. BOTHA ADDED THAT IF THE LAWYERS ASKED THE SOUTH AFRICANS FOR AN ASSURANCE THAT THE 3 WILL NOT BE ARRESTED AFTER LEAVING THE CONSULATE, THE LAWYERS WILL BE TOLDY ONLY THAT DETENTION ORDERS ARE BEING WITHDRAWN AND THAT THERE IS NO GUARANTEE THAT ANY ONE OF THE 3 WILL NOT BE ARRESTED ON CHARGES ON OTHER MATTERS.

5. MY TELECON THIS MORNING WITH THORPE (SAFD) ENABLED ME TO SAY THAT I THOUGHT THIS AMENDED PLAN OF ACTION WOULD BE SEEN IN LONDON AS A DISTINCT IMPROVEMENT ON THE PLAN EXPLAINED TO ME BY THE FOREIGN MINISTER FIRST THING THIS MORNING (UNDER WHICH CHARGES AGAINST 2 OF THE 3 IN THE CONSULATE WOULD HAVE BEEN ANNOUNCED TODAY). I SAID THAT FROM OUR POINT OF VIEW, THE LONGER THE GAP THE BETTER BETWEEN LIFTING OF DETENTION ORDERS AND CHARGES BEING BROUGHT AGAINST 2 OF THE CONSULATE 3. IF THEY WERE ARRESTED IMMEDIATELY ON LEAVING THE CONSULATE, THIS WOULD BE BADLY RECEIVED IN BRITAIN AND ELSEWHERE.

**CONFIDENTIAL**

/6.



# CONFIDENTIAL

6. BOTHA REPLIED THAT HE REALISED OUR PREDICAMENT. HE HAD REFLECTED ON OUR CONVERSATION EARLIER IN THE MORNING AND HOPED THAT WHAT HE NOW TOLD ME WOULD BE SEEN AS HELPFUL. I SAID THAT IN THE LIGHT OF DETENTION ORDERS BEING LIFTED WE WOULD DO OUR BEST TO PERSUADE THE MEN TO LEAVE OUR CONSULATE.

7. NO DEVELOPMENTS TO REPORT YET FROM THE CONSULATE ITSELF ALTHOUGH PEOPLE ARE BEGINNING TO GATHER OUTSIDE. OUR GUESS IS THAT THERE IS A REASONABLE CHANCE THAT THE 3 WILL DECIDE TO LEAVE VOLUNTARILY, ALTHOUGH IT COULD STILL GO THE OTHER WAY.

8. SEE ALSO MIFT.

MOBERLY

[COPIES SENT TO NO 10 DOWNING STREET]

SOUTHERN AFRICA

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CABINET OFFICE

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S AFRICA

Herberts No. 4



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*BM*



10 DOWNING STREET

*From the Private Secretary*

10 December 1984

Durban Consulate

The Prime Minister has seen Pretoria telegrams Nos. 647 and 648.

*BF 1*

She has commented: 'Have we the right to prevent arrest for specific offences? Or to retain people under those circumstances?'

(C.D. Powell)

Len Appleyard, Esq.,  
Foreign and Commonwealth Office

CONFIDENTIAL

*CS*



SOUTHERN AFRICA

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PS/MR RIFKIND

PS/PUS

MR FERGUSSON

SIR J FREELAND

MR JOHNSON

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MR B CARTLEDGE, CABINET OFFICE

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15.11.84

FLASH

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FM PRETORIA 071805Z DEC 1984

TO FLASH FCO

TELNO. 648 OF 7 DEC 1984

MIPT: DURBAN CONSULATE

1. THE IMMEDIATE QUESTION IS WHETHER WE ARE PREPARED TO PASS A MESSAGE TO THE THREE MEN AS REQUESTED WITH NEWS OF DETENTION ORDERS BEING LIFTED. I TAKE IT THAT THE ANSWER TO THIS WILL BE YES. BUT I SHOULD BE GRATEFUL FOR AUTHORITY SO TO INFORM BOTHA'S OFFICE IF POSSIBLE DURING THE COURSE OF TOMORROW.

2. THE NEXT POINT IS WHETHER IN CONVEYING THIS REPLY TO THE SOUTH AFRICANS YOU WOULD WANT ME TO MAKE ANY ADDITIONAL COMMENT. WE COULD SAY THAT WE PROPOSE TO MAKE IT CLEAR IN PASSING THE MESSAGE TO THE THREE THAT WE ARE ACTING PURELY AS A CHANNEL OF COMMUNICATION TO THEM FROM THE SOUTH AFRICAN GOVERNMENT. BEYOND THAT, HOWEVER, SHOULD I SAY ANYTHING TO BOTHA'S OFFICE AT THIS STAGE ABOUT THE THREE IN OUR VIEW NOT NECESSARILY AGREEING TO LEAVE THE CONSULATE ONCE THEY HEAR THAT DETENTION ORDERS ARE LIFTED (A POINT WHICH I TOUCHED ON WITH THE FOREIGN MINISTER DURING OUR TELEPHONE CONVERSATION) ? YOU MAY IN ANY CASE WISH ME TO



OUR TELEPHONE CONVERSATION) ? YOU MAY IN ANY CASE WISH ME TO EXPLAIN THAT ONCE WE HAVE DELIVERED THE MESSAGE TO THE THREE, WE ASSUME THEY MAY WISH TO COMMUNICATE THE NEWS TO THEIR LAWYERS (IF NECESSARY ADDING WHAT OUR ATTITUDE TO SUCH A REQUEST WOULD BE).

3. THIS IN TURN RAISED THE QUESTION WHETHER ARRESTS OF OTHERS DETAINED UNDER ARTICLE 28 ARE LIABLE TO BECOME KNOWN TO THE CONSULATE THREE BEFORE THEY HAVE REACHED A DECISION TO LEAVE. IT WOULD BE OPEN TO US TO SAY TO SOUTH AFRICANS THAT WE BELIEVE THE CHANCES OF THEIR LEAVING VOLUNTARILY WOULD BE IMPROVED IF NEWS OF OTHER ARRESTS HAD NOT REACHED THEM. ONCE THEY WERE AWARE OF OTHER ARRESTS IT IS QUITE POSSIBLE, ALTHOUGH NOT CERTAIN, THAT THEY MIGHT REFUSE TO LEAVE. WE SHOULD THEN BE BACK IN THE POSITION OF HAVING TO EJECT THEM BY FORCE OR ALLOW THEM TO STAY.

4. IN THESE CIRCUMSTANCES I CONSIDER THAT THE MORE WE TRY TO TIE UP ARRANGEMENTS IN ADVANCE WITH THE SOUTH AFRICANS, THE MORE OPEN WE SHALL BE TO ANY SUBSEQUENT ACCUSATION OF COLLUSION. ON THE OTHER HAND, THE LESS WE DO TRY TO AVOID PITFALLS, THE LESS LIKELY IT MAY BE THAT THE THREE WILL LEAVE OF THEIR OWN ACCORD.

5. I SHALL NEED CLEAR INSTRUCTIONS ABOUT HOW TO HANDLE MATTERS AT THE CONSULATE ON MONDAY. IF WE DO NOT TAKE THIS OPPORTUNITY TO ENSURE THAT THE MEN LEAVE THE CONSULATE, THE SOUTH AFRICAN GOVERNMENT WILL OBVIOUSLY FEEL THAT THEY HAVE EVEN STRONGER GROUNDS FOR COMPLAINT THAN HITHERTO.

MOBERLY

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[Stamp]

RECEIVED

MR. [Name]

SECRET

FOR THE DIRECTOR

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DEPARTMENT OF [Name]

FOR THE DIRECTOR



SOUTHERN AFRICA

PS  
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RESIDENT CLERK

MR B CARTLEDGE, CABINET OFFICE  
PS/NO 10 DOWNING STREET

ADVANCE COPY

FLASH

*It would have been better if they hadn't told us. We surely cannot connive in this deception.*  
CDP  
7/12

15.11.84  
*surely cannot connive in this deception.*

*Have we the right to pursue arrest for specific others? Or to retain people under those circumstances? Not*

CONFIDENTIAL  
FM PRETORIA 071715Z DEC 1984  
TO FLASH FCO  
TELNO. 647 OF 7 DEC 1984

DURBAN CONSULATE

1. THE FOREIGN MINISTER TELEPHONED ME THIS AFTERNOON WITH NEWS OF A MAJOR DEVELOPMENT OVER DURBAN.
2. PIK BOTHA SAID THAT IT WAS ALMOST CERTAIN THAT DETENTION ORDERS WOULD BE LIFTED ON MONDAY ON THOSE AGAINST WHOM ORDERS HAD BEEN ISSUED UNDER ARTICLE 28. THIS INCLUDED THE THREE IN OUR CONSULATE.
3. (ALTHOUGH HE DID NOT HIMSELF USE THE PHRASE). THIS WAS THE GOOD NEWS. HE THEN GAVE ME NEWS WHICH WAS LESS GOOD. HE SAID THAT SOME OF THOSE ON WHOM DETENTION ORDERS WERE TO BE LIFTED WOULD BE CHARGED WITH OFFENCES AGAINST SOUTH AFRICAN LAW. HE EXPECTED THAT TWO OUT OF THE THREE IN OUR CONSULATE WOULD BE CHARGED. SO WOULD SOME OTHERS NOT NOW IN DETENTION.
4. THE FOREIGN MINISTER SAID THAT HE WAS GIVING THIS INFORMATION IN STRICT CONFIDENCE. NO FINAL DECISION HAD YET BEEN TAKEN. HE ASKED THAT WE SHOULD ON NO ACCOUNT ALERT THE THREE MEN AT OUR CONSULATE.
5. HE WENT ON TO SAY THAT HE ASSUMED THAT WE WOULD REQUIRE THE MEN TO LEAVE OUR PREMISES AS SOON AS DETENTION ORDERS AGAINST THEM HAD BEEN LIFTED. WHAT HAPPENED WHEN THEY LEFT THE CONSULATE WOULD BE NO CONCERN OF THE BRITISH GOVERNMENT. HE CLAIMED THAT WE HAD BASED OUR OBJECTIONS FROM THE OUTSET ON THE FACT THAT THE SOUTH AFRICAN AUTHORITIES WERE SEEKING TO DETAIN THESE MEN WITHOUT TRIAL. THAT WOULD NO LONGER BE THE CASE.
6. I ASKED BOTHA TO CLARIFY WHAT HE EXPECTED ABOUT THE TIMING OF THE STEPS WHICH HE HAD MENTIONED. I SAID THIS WAS IMPORTANT BECAUSE HE WOULD RELAY THAT IF THE MEN KNEW THEY WERE GOING TO BE ARRESTED THEY WOULD REFUSE TO LEAVE. HE SAID THAT IF THINGS



BECAUSE HE WOULD RELIEVE THAT IF THE MEN KNEW THEY WERE GOING TO BE ARRESTED THEY WOULD REFUSE TO LEAVE. HE SAID THAT IF THINGS WORKED OUT AS HE EXPECTED THE FIRST STEP WOULD BE FOR THE THREE MEN AT OUR CONSULATE TO BE TOLD OF DETENTION ORDERS HAVING BEEN LIFTED. THIS WOULD ONLY BE MADE PUBLIC SUBSEQUENTLY. THERE WOULD BE NO ANNOUNCEMENT ABOUT THEIR BEING ARRESTED UNTIL THEY HAD LEFT THE CONSULATE AND THE ARREST HAD TAKEN PLACE.

7. FINALLY, HE ASKED ME TO ASCERTAIN WHETHER THE EMBASSY WOULD BE AUTHORISED TO PASS A MESSAGE TO THE THREE ABOUT DETENTION ORDERS BEING LIFTED, SHOULD THE SOUTH AFRICAN AUTHORITIES REQUEST US SO TO ACT ON MONDAY. COULD WE LET HIS OFFICE KNOW THE ANSWER TO THIS OVER THE WEEKEND ?

8. I UNDERTOOK TO PASS ALL THIS IMMEDIATELY TO YOU AND THANKED HIM FOR LETTING US KNOW WHAT WAS PLANNED. BOTHA SAID THAT HE FELT IT ONLY RIGHT TO PUT US FULLY IN THE PICTURE SO THAT WE DID NOT LATER COMPLAIN THAT WE HAD BEEN MISLED OVER THE LIFTING OF DETENTION ORDERS.

9. I SHOULD ADD THAT BOTHA ALSO MENTIONED THAT THE MINISTER OF LAW AND ORDER WAS LIKELY LATER TODAY TO ANNOUNCE THAT A NUMBER OF THOSE DETAINED UNDER SECTION 29 (REPEAT SECTION 29) AS A RESULT OF THE RECENT UNREST WOULD BE CHARGED AND BROUGHT TO COURT. OTHERS DETAINED IN THAT CATEGORY WOULD BE RELEASED. BUT THIS WOULD BE QUITE SEPARATE FROM THE QUESTION OF SECTION 28 DETAINEES WITH WHOM WE WERE CONCERNED AT THE CONSULATE.

10. SEE MIFT.

MOBERLY

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CONFIDENTIAL



10 DOWNING STREET

7 November 1984

*cc Myster*  
*File TICR*  
*cc Sir P Cadogan*  
From the Private Secretary

PRIME MINISTER'S MEETING WITH DR. VAN ZYL SLABBERT

The Prime Minister saw Dr. Van Zyl Slabbert this morning. Mr. Laurens van der Post was also present.

The Prime Minister explained our position on the three in the Durban Consulate. The most useful step now was for the South African Government to rescind the detention orders. Dr. Van Zyl Slabbert said that the South African Government had handled the whole affair very badly. He had tried to get from them the reasons for the detention orders but the Interior Minister had declined to give them. He thought that the best course now was to try to let the issue fade away, in the hope that the three would get bored. The only point of their being there was to attract publicity and if that declined they would probably give up. He would be happy to pass on to the South African Government the point about lifting the detention orders. The Prime Minister did not comment either way.

In discussion of the wider situation in South Africa, Dr. Van Zyl Slabbert said that he applauded the Prime Minister's decision to meet Mr. Botha. Meetings such as these could detach Mr. Botha from his hard-line support. Merely pontificating from outside only had the effect of increasing the Afrikaners' defensiveness. Dr. Van Zyl Slabbert said that he thought that opinion among whites was beginning to move. He estimated that 40/45 per cent of whites were now open to more liberal and pragmatic influences.

Dr. Van Zyl Slabbert continued that the South African Government's crucial error was to deny blacks citizenship. This gave them no sense of belonging. Beyond that they had to be offered some political outlet. He was not, of course, suggesting immediate transition to majority rule in South Africa. But blacks had to be able to influence conditions in South Africa and be drawn into bargaining over their own future. The South African Government ought to have the sense

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*sl*



to talk to people like Chief Buthelezi and to put forward confidence-building measures of interest to the black community as a whole. Something also had to be done about the pass laws. The Prime Minister said that her hope was to be able to exercise some modest influence on South Africa from outside in the direction of gradual change. She intended to continue to pursue contacts with President Botha.

The Prime Minister raised the question of the K'Wagnema. She was convinced that they were being badly treated and had appealed to President Botha on their behalf. The response had not been forthcoming. Dr. Van Zyl Slabbert agreed with the Prime Minister's view and again offered to raise the matter with Mr. Botha.

The Prime Minister asked Dr. Van Zyl Slabbert's views on the prospects in Namibia. Dr. Van Zyl Slabbert expected little movement, given the linkage which the Americans had established with Cuban withdrawal from Angola. The Prime Minister said that the linkage was justified. She thought that the economic pressures on the South African Government, notably from the current low price of gold and diamonds, would give them a considerable incentive to reach a settlement.

(C.D. POWELL)

C.R. Budd, Esq.,  
Foreign and Commonwealth Office.



CC MASTER  
OPS.



10 DOWNING STREET

PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. 7186/84

THE PRIME MINISTER

7 November 1984

*Dear Mr President*

Thank you for your letter of 24 October.

I have taken note of your view of the legal arguments surrounding the situation in the Durban Consulate. We shall continue to differ on these. But we are, I think, agreed that it would be better to end the public dispute between our two Governments over these issues. It was, of course, the South African Government which chose to publish the messages exchanged in late September. I have always believed that such exchanges should be conducted in private. I hope we can now resume this process.

I welcome your recognition of the difficulties which the situation at the Consulate has created for the British Government. These were clearly expressed in the debate in the House of Commons on 23 October, the transcript of which I hope you will now have seen. Similarly, I have never underestimated your own problems which Ambassador Worrall has described very fully. I hope that the measures we have taken will reduce these difficulties. We can go no further: forcible eviction would be very widely condemned by public opinion in this country.

The failure of the four South Africans to appear before the Court in Coventry on 22 October as a consequence of your



Government's decision was a matter of serious concern to us. We decided all the same to avoid reacting in a way which would only have made matters more difficult between us. However, we had no doubt that it was right to make it plain in Parliament that we expected your Government not to impede the return of the four men to the UK, now that warrants have been issued for their arrest. In this context I note with regret the statement in your letter that your Government will not force them to return. This is bound to make our relations more difficult. And it is likely to provoke further questions in Parliament which we must answer. Against this background, it goes without saying that a resolution of the Durban problem, in which the Three were enabled to leave voluntarily and without detention, would be extremely helpful.

I was much interested in your remarks on Mozambique and the role South Africa is willing to play in the resolution of Southern African problems. I take your point that there are countries in the UN whose approach is, for various reasons, negative towards your own Government's actions. But rest assured that the United Kingdom is ready to welcome positive movement by South Africa and to encourage neighbouring countries to take a realistic view of the region's problems and possible solutions, always taking account, of course, of the requirements of human rights. We continue to support both you and President Machel in the search for peace in Mozambique. I saw President Machel in New Delhi, while attending Mrs. Gandhi's funeral, and found him in ebullient form.

We are also watching with close interest the efforts the Americans are making, in co-operation with the Angolan, your own and other governments to bring about a resoltuion of the Namibia problem. I hope we can continue to keep in touch on these problems.



Finally I want you to know that I shall be seeing  
today, just for a private courtesy call,  
Dr. van Zyl Slabbert, whom I last saw in 1980.

With best wishes,

Yours sincerely

Nazim Khan

The Honourable P.W. Botha, D.M.S., M.P.



S E C R E T



Foreign and Commonwealth Office

London SW1A 2AH

6 November 1984

Dear Charles,

Letter from President Botha: Durban/Coventry Four

President Botha wrote to the Prime Minister <sup>attached</sup> about Durban and the Coventry Four on 24 October. I now enclose a draft reply.

The main purpose of President Botha's letter was to present the South African view of the legal arguments on Durban and to justify their action in repudiating their commitment to the Coventry Court to ensure the return of the four South African defendants facing charges under Customs and Excise legislation. The letter accordingly enclosed a lengthy review of the legal case, and a summary of the submissions made by the South African Counsel for the four defendants, Mr Pelser and the South African Government at Coventry on 22 October. President Botha stated clearly that the Four would not be made to return to the UK; however, he seemed to accept that the situation in Durban could only be resolved by the voluntary departure of the Three. He also urged an end to the "acrimonious exchanges in public" and hoped we could work towards a mutual understanding of the problems we face.

This letter is the latest in a series of exchanges begun by the Prime Minister's message of 30 September (copies of subsequent letters from President Botha and the Prime Minister's letter of 10 October are enclosed for ease of reference). The South Africans clearly value this exchange with the Prime Minister. It appears to be a factor in the more conciliatory tone which they are now adopting and which is reflected in the latest letter. We also believe the South Africans are more relaxed about Durban, in the light of the action we took on 21 October to isolate the Three, and because they have achieved one of their major objectives in this affair by preventing the trial of the Coventry Four. There is some evidence that they were worried at the downward turn our relations have taken and are anxious to do something to repair the damage.

Against this background, the Foreign Secretary believes that the Prime Minister's reply should, to the extent possible,

/avoid

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OF THE PUBLIC RECORDS ACT

avoid further acrimony over the legal position (which as you know from our letter of 25 September, we cannot in substance contest in respect of the Consulate; and even on the reprisals aspects, where some counter-arguments are available to us, we are on difficult ground). He also believes that we should try to use the Prime Minister's response to reinforce the message which we have conveyed to the South Africans on diplomatic channels in the last few days, namely that our reaction over the Coventry Four has been restrained, and that we have gone as far as we can on Durban. By inference we are looking for some positive action by the South African Government, which will ease the situation. Such action would have benefits for our broader bilateral relationship. President Botha's bald statement that the Four will not be returned (which amounts in effect to a response to Mr Rifkind's demand in Parliament that the South African Government should not impede their appearance in court) is, of course, unacceptable.

The Foreign Secretary therefore recommends that the Prime Minister's response should emphasise the adverse effect which public knowledge of the South African position will cause and the corresponding need for some conciliatory move on Durban. The form of wording used in the draft deliberately avoids propositions, since we do not wish to become an intermediary or involve ourselves in negotiations. But the Foreign Secretary believes we should face the South Africans with the facts. It does not, of course, follow that they will respond positively. But it is the best course of action open to us and the only one which offers any end to the impasse on Durban.

The Foreign Secretary does not think it worth taking up the argument in the first substantive paragraph in President Botha's letter of whether or not the South Africans had proposed a compounded settlement in the case of the Coventry Four. It is nonetheless, a matter of record that they have, since April this year, pressed the Foreign Office to suggest just such a settlement to the Customs and Excise; and it is hard to read President Botha's letter of 30 September as anything but a proposition for such a settlement.

at the very beginning of the Durban affair the South Africans seized on it as an opportunity to propose a deal (which they decided not to pursue) involving the Coventry Four.

Finally, the Foreign Secretary recommends that the Prime Minister's letter should conclude, as have other letters in the correspondence, with some helpful remarks on regional issues.

*Yours ever,  
Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

S E C R E T



DSR 11 (Revised)

DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM:  
The Prime Minister

Reference

DEPARTMENT:

TEL. NO:

SECURITY CLASSIFICATION

TO:  
President P W Botha

Your Reference

Top Secret

Secret

Confidential

Restricted

Unclassified

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

Thank you for your letter of 24 October.

CAVEAT.....

I have <sup>taken</sup> noted your view of the legal arguments surrounding the situation in the Durban Consulate. We shall continue to differ on these. But we are, I think, agreed that it would be better to end the public dispute between our two Governments over these issues. It was, of course, the South African Government which chose to publish the messages exchanged in late September. For my part, I have always believed that such exchanges should be conducted in private. I hope we can now resume this process.

I welcome your recognition of the difficulties which the situation at the Consulate has created for the British Government. These were clearly expressed in the debate in the House of Commons on 23 October <sup>(the transcript of)</sup> which I hope you will now have seen. Similarly, I have never underestimated your own problems which Ambassador Worrall

Enclosures—flag(s).....



has described very fully. I hope that the measures we have taken will ~~significantly~~ reduce these difficulties. We can go no further: forcible eviction would be very widely condemned by public opinion in this country.

The failure of the four South Africans to appear before the Court in Coventry on 22 October as a consequence of your Government's decision was a matter of ~~most~~ serious concern to us. We decided ~~nevertheless not to react~~ <sup>all the same to avoid reacting</sup> in a way which would only have made matters more difficult between us. However, we had no doubt that it was right to make it plain in Parliament that we expected your Government not to impede the return of the four men to the UK, now that warrants have been issued for their arrest. In this context I note with ~~deep~~ regret the statement in your letter that your Government will not force them to return. This is bound to make ~~the~~ <sup>our</sup> resumption of a constructive bilateral relationship more difficult. And it is likely to provoke further questions in Parliament which we must answer. Against this background, it goes without saying that a resolution of the Durban problem, in which the Three were enabled to leave voluntarily and without detention, would be extremely helpful.

I was much interested in your remarks on Mozambique and the role South Africa is willing to play in the resolution of Southern African problems. I take your point that there are countries in the UN whose approach is, for various reasons, negative towards your own



Government's actions. But rest assured that the United Kingdom is ready to welcome positive movement by South Africa and to encourage neighbouring countries to take a realistic view of the region's problems and possible solutions, always taking account, of course, of the requirements of human rights. We continue to support both you and President Machel in the search for peace in Mozambique. We are also watching with close interest the efforts the Americans are making, in co-operation with the Angolan, your own and other governments to bring about a resolution of the Namibia problem. I hope we can continue to keep in touch on these problems.

I saw President Machel in New Delhi, India attending Mrs. Gandhi's funeral, and found him in ebullient form.

"Finally I want you to know that I shall be receiving seeing a courtesy call today from the leader of the Progressive Federal Party, whom I met saw in 1970. seeing today, just for a private courtesy call. Dr van Zyl Slabbert, whom I met saw in 1970. with best wishes.

CDr.



cc M'Keen  
M'Keen  
to T. Ireland  
Mr Ferguson  
Mr Johnson.

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10 DOWNING STREET

From the Private Secretary

30 September 1984

Dear Len,

DETAINEES IN DURBAN CONSULATE

I enclose a copy of Mr. Botha's reply to the Prime Minister's message, delivered by the South African Charge d'Affaires to 10 Downing Street tonight.

yours sincerely,

(C.D. POWELL)

Len Appleyard, Esq.,  
Foreign and Commonwealth Office.





The Rt Honourable Margaret Thatcher, MP  
Prime Minister  
10 Downing Street  
LONDON

30 September 1984

Dear Prime Minister

I have been requested by the State President of South Africa to present his compliments to you and to convey the enclosed Personal and Confidential letter to you.

Might I take this opportunity of assuring you of my highest consideration and personal good wishes.

Yours sincerely

A handwritten signature in cursive script, reading "Denis Worrall".

AMBASSADOR





CONFIDENTIAL

PRETORIA

30 September 1984

Dear Prime Minister

Thank you for your message of 30 September 1984 in reply to my suggestion yesterday through Minister R F Botha and Baroness Young for you to receive my Foreign Minister in London.

My suggestion for you to meet Mr Botha was prompted by a desire to minimise the harmful effects to our relations inherent in the situation which has developed and to find a way out of the growing dilemma in which we find ourselves.

I share your sentiments that we will have to show great delicacy in the manner in which we handle this matter. I also appreciate the frankness of your message and feel sure that you would want me to be equally candid in my reply.

I have taken note of the fact that you reiterate your government's point of view that it is for the six South African nationals presently in your Consulate in Durban to negotiate with my government and for us to create conditions under which they will feel able to leave the Consulate voluntarily.

In this regard I am constrained to point out that the South African Minister of Law and Order issued detention orders in respect of the six men more than three weeks ago but that the South African Police have been unable



to serve these orders because of the fact that the men have found sanctuary in the Consulate.

For this reason the Foreign and Commonwealth Office was informed that your government's failure to either surrender the men or to allow the appropriate authorities to enter the Consular premises and take them into custody, amounts to an obstruction of the South African process of law-enforcement. Furthermore, the Foreign and Commonwealth Office was informed that customary international law prohibits governments from providing sanctuary or asylum in Consulates to persons fleeing from the judicial or law-enforcement agencies of the receiving state.

Consequently it is my government's viewpoint that the refusal of the British government to accede to the request put forward in the South African government's Aide Memoire of 20 September 1984, and its failure to either expel or surrender the six South Africans in the British Consulate in Durban of its own accord, was unlawful in terms of customary public international law. (In this respect it should be noted that you indicated to Mr Neil Kinnock on 19 September 1984, that "... it would not be right for us to intervene in the legal processes of another country, whether or not we agree with them." Yet the British action has had the effect of making the execution of such legal processes impossible.)

My government's subsequent decision not to allow the four South Africans to return to the United Kingdom to stand trial was an act of reprisal. The doctrine of reprisal is well established in customary public international law and it is common cause and tripe law that it entails that an act which would normally be unlawful is rendered lawful by a prior unlawful act of the other government. An act of reprisal need not take the same form as the original unlawful act but should be proportionate to it. The South



CONFIDENTIAL

- 3 -

African government's act of reprisal meets these requirements.

It follows that the South African government's decision not to allow the four South Africans to return to the United Kingdom was clearly lawful, and I am sure that reputable British authorities on international law share this view.

The case of the four South Africans has been a subject of a number of discussions between your Foreign and Commonwealth Office officers and officers of the South African Department of Foreign Affairs.

During these discussions it was intimated to the Foreign and Commonwealth Office that the South African government would prevail upon the four men to accept offers to compound proceedings against them and that such offers presented a mutually acceptable legal solution to what my government perceived as a dilemma involving both governments.

Although Foreign and Commonwealth Office spokesmen have repeatedly indicated that it is not the kind of case which would lend itself to compounding procedures, I am nevertheless taking the liberty of attaching a memorandum setting out what we believe to be cogent arguments in support of a compounded settlement.

It may be, Prime Minister, that such a compounded settlement still represents, albeit only in part, a solution to the dilemma in which we find ourselves.

I therefore propose that a legal team representing the four South African nationals and my government should meet as a matter of urgency with representatives of the Foreign and Commonwealth Office, the prosecuting authorities as



well as the Director of Public Prosecutions in order to explore this avenue. I believe that such a course of action would not constitute any interference in the due process of law and may provide the key to the resolution of the current impasse.

I wish also to refer to your letter delivered to me on 28 September 1984. The position regarding the Kwa Ngema community remains as set out in the memorandum attached to a letter from the South African Chargé d'Affairs in London to you dated 20 June 1984 and to which Mr Charles Powell replied on 4 July 1984.

I can, however, assure you that the South African government is at all times handling this matter with concern and respect for the feelings and interests of the Kwa Ngema community.

Your remarks on the Nkomati Accord and the British Government's intended significant increase in its level of economic assistance to Mozambique, are most encouraging and welcome. It is pleasing to note that Mozambique has now obtained IMF/IBRD membership. The security situation within Mozambique continues to give rise for concern. I can inform you in confidence that Foreign Minister Botha and Defence Minister Malan spent two days and nights at the end of last week in parallel talks with delegations from the Mozambique government and the Mozambique resistance movement, RENAMO. I am pleased to say that some progress has been made and we think that an agreement on a cessation of the armed activity and conflict in Mozambique might be possible.

I thank you for your sentiments regarding the constitutional changes which have taken place in South Africa and the new responsibilities which will rest with me and the Cabinet which I appointed on 15 September 1984.



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Yours sincerely,

P.W. BOTHA

STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA



MEMORANDUM CONCERNING THE HISTORY OF THE CASE OF THE FOUR SOUTH AFRICANS WHO HAVE BEEN CHARGED WITH CONTRAVENTIONS OF UNITED KINGDOM CUSTOMS AND EXCISE LEGISLATION AND CONCERNING UNITED KINGDOM COMPOUNDING PROCEDURE

During March 1984 four South African and three British nationals were charged by H.M. Customs and Excise officials with alleged offences in terms of section 170(2) of the United Kingdom Customs and Excise Management Act of 1979 by being knowingly concerned in the exportation of goods with the intent to evade the prohibition imposed by the Export of Goods (Control) Order of 1981. A fourth British national was subsequently charged with a similar offence.

No objection to bail was raised in respect of any of the four British defendants, although substantial sureties were sought. In the case of the four South Africans, however, bail was opposed, inter alia on the basis that they have ties with a South African company with semi-Government links and were therefore likely to abscond.

On 9 April 1984 a bail application, backed by certain assurances of the South African Government designed to enable the Court to treat the South African nationals on an equal footing with the British nationals, was made in the Coventry Magistrate's Court. The application was contested but successful.

On 22 May 1984, a Judge in Chambers reversed a decision by the Coventry Magistrate's Court and granted an application, which was also contested, for the variation of the conditions of bail so as to allow the four South Africans to return to South Africa for a specified period of time. The South African Government again gave certain assurances to the Court including the assurance that the four would comply with their conditions of bail. This they have done with



meticulous care and have subsequently returned to the United Kingdom for a Court appearance.

Without prejudice to the question of the guilt or innocence of the four gentlemen concerned and in order to afford them the opportunity to decide whether it may not be in their interest to accept an offer to compound the proceedings against them rather than to go through the costly, time consuming and, given the fact that they reside and work in South Africa, extremely inconvenient exercise of establishing their innocence, an official of the Department of Foreign Affairs approached the Foreign and Commonwealth Office on a number of occasions in an effort to persuade them to prevail upon H.M. Customs and Excise to make such an offer. Up to now such an offer has not been forthcoming.

Section 152(a) of the Customs and Excise Management Act of 1979 provides that:

"(T)he Commissioners (of Customs and Excise - see section 1(1)) may, as they see fit -

(a) stay, sist or compound any proceedings for an offence or for the condemnation of anything as being forfeited under the customs and excise Acts;"

The application of this provision was explained by the Honourable Mr Hayhoe on 25 April 1984 in response to a Parliamentary question as to the criteria applied by the Commissioners in deciding whether to compound proceedings under Section 152 of the said Act. Mr Hayhoe replied as follows:

"The commissioners do not prosecute, nor apply other



main sanctions such as compounding, unless there is a clear prima facie case. The decision whether to prosecute or to offer to compound proceedings is taken on the merits of each case. The general factors taken into consideration are the gravity of the offence and the best interests of law enforcement and of the revenue. In view of the pressure on the courts and on departmental resources, it is the commissioners' policy to offer compounding whenever appropriate. If that offer is refused, they then proceed with the prosecution of the alleged offender."

In response to a follow-up question of the same date as to the total amount claimed by Customs and Excise (for each year since 1979) in cases which were subsequently compounded and as to the total amount actually received by the Exchequer in such cases after compounding, Mr Hayhoe, after giving the total sum of offers accepted in settlement of value added tax offences, responded as follows:

"A more detailed breakdown is not available and comparable information about other Customs and Excise cases is not held centrally. However, the aggregate sum of court fines and costs and Section 152 settlements can be found in appendix B of successive annual reports of the Commissioners of Her Majesty's Customs and Excise, copies of which are available in the House of Commons Library."

The said successive annual reports of H.M. Customs and Excise reveal that offers to compound proceedings approach the rule and only by way of exception have such offers not been made.

The question arises whether South Africans should be treated



on a different footing from other alleged offenders. The answer to this is to be found in Mr Hayhoe's response on 26 April 1984 (pursuant to his reply on 25 April 1984), when he replied as follows to a question whether the Chancellor of the Exchequer will stop the Board of the Customs and Excise compounding penalties in situations of omission of export licences of sales of arms to South Africa:

"No. The criteria which the Commissioners apply in deciding whether to compound were explained in the answer that I gave to my hon Friend the Member of Leicester, East (Mr Bruinvels) on 25 April 1984."

During his discussions with officials of the Foreign and Commonwealth Office it was intimated to the official of the South African Department of Foreign Affairs that there were political considerations which complicated matters.

In view of the stated policy that South Africans will be treated on the same footing as all other alleged offenders as well as the Honourable Prime Minister's response to a question in the House of Commons on 13 April 1984 when she stated inter alia, that it is not the Commissioner's practice to reveal details of compounded settlements, there ought to be no substance in this consideration. The Prime Minister subsequently reiterated this standpoint in response to another question.

It may be that the "serious nature of the alleged offence", in the words of Mr Ridout, who is the prosecuting officer in the case of the four South Africans, stand in the way of an offer to compound.

In this respect it should be noted that the value of the



goods allegedly involved in the alleged offence is less than £300,000. When compared to the amounts involved in cases with which the Commissioners are no doubt familiar, this amount is not at all significant. The four have also not been charged with the exportation of arms, but with the exportation of components allegedly capable of application in a weapon system.

The Foreign and Commonwealth Office has also indicated that it could not interfere with the judicial process.

The South African Department of Foreign Affairs approached the Foreign and Commonwealth Office on the basis that it was not expected of that Office to interfere in the administration of justice or the due process of law, but simply to persuade an executive organ of the state to exercise an executive discretion to the possible advantage of the four South Africans by affording them the opportunity to decide whether it would be in their interest to accept an offer to compound the proceedings against them.



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TO IMMEDIATE PRETORIA

TELEGRAM NUMBER 270 OF 10 OCTOBER

MY TELNO 259: PRIME MINISTER'S REPLY TO PRESIDENT BOTHA'S  
LETTER OF 30 SEPTEMBER

1. PLEASE ARRANGE FOR THE FOLLOWING MESSAGE TO BE DELIVERED  
IMMEDIATELY TO PRESIDENT BOTHA'S OFFICE:

BEGINS 'DEAR MR PRESIDENT

THANK YOU FOR YOUR LETTE? OF 30 SEPTEMBER IN REPLY TO MINE OF  
THE SAME DATE. I SHARE YOUR DESIRE TO MINIMISE THE HARMFUL  
EFFECTS TO OUR BILATERAL RELATIONS WHICH THE PRESENT PROBLEMS  
ARE CAUSING, AND WE HAVE CONSISTENTLY BORNE THAT ASPECT IN MIND.  
NEITHER THE SITUATION IN THE DURBAN CONSULATE, NOR THE CASE OF  
THE FOUR SOUTH AFRICANS FACING CHARGES OF VIOLATING CUSTOMS AND  
EXCISE LEGISLATION, WERE OF OUR MAKING. IT IS WITHIN THE WIDER  
INTEREST OF OUR RELATIONSHIP THAT I HAVE CONSIDERED CAREFULLY  
YOUR PROPOSAL FOR A LEGAL TEAM REPRESENTING THE FOUR SOUTH  
AFRICAN NATIONALS INVOLVED IN THIS LATTER CASE AND YOUR GOVERNMENT  
TO MEET URGENTLY WITH REPRESENTATIVES OF THE FCO, THE CUSTOMS  
AND EXCISE, AND THE DIRECTOR OF PUBLIC PROSECUTIONS. I HAVE  
ALSO NOTED YOUR BELIEF THAT COMPOUNDING WOULD BE AN APPROPRIATE  
WAY TO DEAL WITH THE OFFENCES INVOLVED AND THAT THE GOVERNMENT  
SHOULD INTERVENE TO PERSUADE THE COMMISSIONERS FOR CUSTOMS AND  
EXCISE TO ADOPT THIS PROCEDURE.

IT IS IMPORTANT TO BE ABSOLUTELY CLEAR ABOUT THE STATUS OF THE  
COMMISSIONERS OF CUSTOMS AND EXCISE AND THE NATURE OF THE  
PROCEEDINGS AGAINST THE FOUR SOUTH AFRICANS. UNDER THEIR STATUTE,  
DECISIONS ON LEGAL PROCEEDINGS ARE ENTIRELY A MATTER FOR THE  
COMMISSIONERS. IT IS FOR THEM ALONE TO DETERMINE HOW TO PROCEED  
IN EACH CASE, ON ITS MERITS, AND IN ACCORDANCE WITH THEIR  
PRACTICE. IT WOULD BE JUST AS UNTHINKABLE, AND INDEFENSIBLE

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HERE, FOR MINISTERS TO SEEK TO INFLUENCE THE COMMISSIONERS OR INTERFERE IN THEIR HANDLING OF THE CASE, AS IT WOULD IF THEY WERE TO ATTEMPT TO INTERVENE IN ANY OTHER QUASI-JUDICIAL FUNCTION, SUCH AS THAT OF THE DIRECTOR OF PUBLIC PROSECUTIONS. IN THIS CASE I UNDERSTAND THAT THE COMMISSIONERS HAVE DECIDED NOT TO COMPOUND. THAT BEING SO, I DO NOT SEE THAT A MEETING BETWEEN LEGAL REPRESENTATIVES COULD ALTER THE SITUATION.

AS FOR THE POINTS YOU MAKE ABOUT OUR HANDLING OF THE SITUATION AT THE CONSULATE, I ATTACH A NOTE WHICH SETS OUT OUR THINKING. IN SHORT, WE DO NOT ACCEPT THAT, BY OUR ATTITUDE TO THE REQUEST PUT FORWARD IN YOUR GOVERNMENT'S AIDE MEMOIRE OF 20 SEPTEMBER AND BY REFRAINING FROM EXPELLING OR SURRENDERING THE SIX (NOW THREE) SOUTH AFRICANS IN THE DURBAN CONSULATE, WE HAVE OBSTRUCTED THE SOUTH AFRICAN PROCESS OF LAW ENFORCEMENT, OR ACTED UNLAWFULLY IN TERMS OF CUSTOMARY INTERNATIONAL LAW. NOR CAN WE ACCEPT THAT THE PRECIPITATE REPUDIATION BY YOUR GOVERNMENT OF ITS UNDERTAKING TO ENSURE THE RETURN OF THE FOUR MEN TO THE UK TO STAND TRIAL CAN BE JUSTIFIED AS A LEGITIMATE ACT OF REPRISAL: OR THAT IT IS LAWFUL ON ANY OTHER BASIS. I THEREFORE URGE YOU MOST SINCERELY TO RECONSIDER YOUR DECISION. I BELIEVE THAT TO HONOUR THIS COMMITMENT WOULD HELP TO REPAIR THE DAMAGE THAT ITS REPUDIATION HAS DONE TO SOUTH AFRICA'S REPUTATION, BOTH HERE AND INTERNATIONALLY.

I CONTINUE TO HOPE THAT THE PROBLEM CREATED BY THE PRESENCE OF THE THREE REMAINING MEN IN OUR CONSULATE IN DURBAN CAN BE RESOLVED SOON, AND IN A MANNER WHICH WILL ENABLE THEM TO LEAVE VOLUNTARILY. WE ARE ADVISING THEM TO DO SO.

FINALLY I WAS MOST ENCOURAGED TO HEAR OF THE DISCUSSION IN PRETORIA WHICH RESULTED IN THE DECLARATION MADE BY YOUR FOREIGN MINISTER ON 3 OCTOBER ABOUT A CESSATION OF HOSTILITIES IN MOZAMBIQUE. I VERY MUCH HOPE THAT THIS CONSTRUCTIVE APPROACH BY THE MOZAMBIQUE GOVERNMENT AND YOUR OWN WILL BRING SUCCESS AND WILU CONTRIBUTE TO GREATER STABILITY FOR THE WHOLE REGION. AS I

2

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9009 - 1

FORESHADOWED IN MY LETTER TO YOU DATED 11 SEPTEMBER WE HAVE RECENTLY ANNOUNCED AN ADDITIONAL POUNDS STERLING 5MILLION OF PROGRAMME AID WHICH WILL HELP MOZAMBIQUE IN ECONOMIC RECONSTRUCTION.  
YOURS SINCERELY MARGARET THATCHER

NOTE

IN HIS LETTER OF 30 SEPTEMBER TO THE PRIME MINISTER, PRESIDENT BOTHA EXPRESSED THE VIEW THAT HER MAJESTY'S GOVERNMENT, BY ITS ATTITUDE TO THE REQUEST PUT FORWARD IN THE SOUTH AFRICAN GOVERNMENT'S AIDE MEMOIRE OF 20 SEPTEMBER AND BY FAILING EITHER TO EXPEL OR SURRENDER THE SIX MEN IN THE BRITISH CONSULATE IN DURBAN, HAVE OBSTRUCTED THE SOUTH AFRICAN PROCESS OF LAW ENFORCEMENT AND HAVE ACTED UNLAWFULLY IN TERMS OF CUSTOMARY INTERNATIONAL LAW. WE CANNOT ACCEPT THIS AS CORRECT.

THE SIX MEN DID NOT COME TO THE CONSULATE ASKING FOR ASYLUM AND THERE WAS NOTHING IMPROPER ABOUT THEIR ENTRY. THEIR STAY BEGAN WITHOUT OUR AGREEMENT, BUT IT WAS JUSTIFIABLE, HAVING REGARD TO THE HUMANITARIAN CONSIDERATIONS, FOR US TO REFRAIN FROM FORCIBLY EVICTING THEM. IT IS RELEVANT IN THIS CONNECTION THAT, ONLY TWO WEEKS BEFORE THE INCIDENT, ON 27 AUGUST, THE BRITISH GOVERNMENT HAD EXPRESSED THEIR CONCERN TO THE SOUTH AFRICAN GOVERNMENT ABOUT THOSE THEN DETAINED (WHO INCLUDED FIVE OF THE SIX): AND THAT THEY HAD SUBSCRIBED TO A STATEMENT BY THE TEN EC COUNTRIES ON 11 SEPTEMBER ABOUT RECENT EVENTS IN SOUTH AFRICA. IT IS ALSO RELEVANT THAT, SINCE THE DAY ON WHICH THE MEN ARRIVED IN THE CONSULATE, UNTIL 8 OCTOBER, LEGAL PROCEEDINGS CONCERNING THE VALIDITY OF THE FURTHER ORDERS FOR THEIR DETENTION WITHOUT TRIAL HAVE BEEN IN PROGRESS.

THE SITUATION AS IT HAS DEVELOPED IS, OF COURSE, A COMPLEX ONE BUT IT IS NOT OF OUR MAKING. THE SIX, AND NOW THE THREE, HAVE PERSISTED IN THEIR STAY WITH NO ENCOURAGEMENT FROM US. INDEED, WE HAVE FROM THE OUTSET ADVISED THEM OF THE DIFFICULTIES WHICH THEIR PRESENCE CREATES FOR US. WE HAVE MADE CLEAR TO THEM AND



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9009 - 1

TO THE SOUTH AFRICAN GOVERNMENT OUR HOPE THAT MATTERS WOULD EVOLVE IN A WAY THAT WILL ENABLE THEM TO LEAVE VOLUNTARILY. WE HAVE THROUGHOUT ADVOCATED THE RESOLUTION OF THE SITUATION IN A SENSIBLE AND PRACTICAL WAY WHICH WOULD AVOID ANY RECOURSE TO FORCIBLE ACTION. WE CLEARLY COULD NOT BE EXPECTED TO BE ANY PART OF THAT: AND, IN THIS REGARD, WE HAVE SAID THAT IN THE CIRCUMSTANCES THE MEN SHOULD NOT BE REQUIRED TO LEAVE THE PREMISES OF THE CONSULATE AGAINST THEIR WILL.

ALL THESE CIRCUMSTANCES FORM THE BACKGROUND TO THE CONTINUED PRESENCE OF THE SIX (NOW THE THREE) MEN IN THE CONSULATE. OUR ATTITUDE OF UNWILLINGNESS TO CONTEMPLATE THEIR FORCIBLE EVICTION, WHILE GIVING THEM NO ENCOURAGEMENT TO STAY AND PLACING NO OBSTACLE IN THE WAY OF, INDEED ENCOURAGING, THEIR DEPARTURE, CANNOT FAIRLY BE DESCRIBED AS ONE OF OBSTRUCTIVENESS ON OUR PART OF THE ENFORCEMENT OF SOUTH AFRICAN LAW, NOR SHOULD IT BE CHARACTERISED AS AMOUNTING TO A BREACH OF INTERNATIONAL LAW.

IN HIS LETTER OF 30 SEPTEMBER PRESIDENT BOTHA ALSO CONTENTED THAT HIS GOVERNMENT'S DECISION NOT TO ALLOW THE 4 MEN CHARGED WITH CONTRAVENING UNITED KINGDOM CUSTOMS AND EXCISE LEGISLATION TO RETURN TO THE UNITED KINGDOM TO STAND TRIAL IS AN ACT OF REPRISAL PERMITTED BY CUSTOMARY INTERNATIONAL LAW. SINCE THE BRITISH GOVERNMENT DO NOT ACCEPT THAT THEIR ATTITUDE HAS AMOUNTED TO A BREACH OF INTERNATIONAL LAW, THEY CLEARLY CANNOT, IF ONLY ON THIS GROUND AND LEAVING ASIDE OTHER CONSIDERATIONS, ACCEPT THAT THE PRECIPITATE REPUDIATION BY THE SOUTH AFRICAN GOVERNMENT OF ITS UNDERTAKING TO ENSURE THE RETURN OF THE 4 MEN TO THE UNITED KINGDOM TO STAND TRIAL CAN BE JUSTIFIED AS A LEGITIMATE ACT OF REPRISAL: NOR CAN WE ACCEPT THAT IT IS LAWFUL ON ANY OTHER BASIS. THE UNDERTAKING TO RETURN THE 4 MEN WAS QUITE SPECIFIC AND WAS SOLEMNLY GIVEN TO A BRITISH COURT: IT IS ENTIRELY UNCONNECTED WITH THE INCIDENT AT OUR CONSULATE IN DURBAN. AS WAS MADE CLEAR IN THE AIDE MEMOIRE GIVEN TO THE SOUTH AFRICAN AMBASSADOR ON 24 SEPTEMBER, THE REPUDIATION OF THIS UNDERTAKING IS IN THE VIEW OF THE BRITISH GOVERNMENT WHOLLY INADMISSABLE.

4

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9009 - 1

PRESIDENT BOTHA'S LETTER OF 30 SEPTEMBER ATTACHED A MEMORANDUM SETTING OUT SOME ARGUMENTS IN SUPPORT OF A PROPOSAL FOR COMPOUNDING THE OFFENCES AGAINST THE 4 MEN. IN THAT MEMORANDUM IT IS SUGGESTED THAT THE FOREIGN AND COMMONWEALTH OFFICE MIGHT PERSUADE THE COMMISSIONERS FOR CUSTOMS AND EXCISE TO EXERCISE THEIR DISCRETION AND COMPOUND THE PROCEEDINGS FOR THE OFFENCES IN THIS CASE. THERE CAN BE NO QUESTION IN THIS CASE OR IN ANY OTHER OF MINISTERS SEEKING TO LAY DOWN POLICY IN A MATTER OF THIS KIND TO THE COMMISSIONERS OF CUSTOMS AND EXCISE. THEIR INDEPENDENT POWERS ARE ESTABLISHED BY STATUTE (CUSTOMS AND EXCISE MANAGEMENT ACT 1979). THEY ARE JEALOUSLY GUARDED AND SCRUPULOUSLY OBSERVED.

POLICY ON COMPOUNDING IS AS EXPRESSED IN THE ANSWER GIVEN BY MR HAYHOE ON 25 APRIL (OFFICIAL REPORT COL 542). THE COMMISSIONER'S DECISION WHETHER OR NOT TO COMPOUND IS TAKEN ON THE MERITS OF EACH CASE. THE GENERAL FACTORS TAKEN INTO CONSIDERATION ARE THE GRAVITY OF THE OFFENCE AND THE BEST INTERESTS OF LAW ENFORCEMENT AND OF THE REVENUE. POLITICS HAVE NO PLACE IN THE DECISION. IT IS FOR THE COMMISSIONERS FOR CUSTOMS AND EXCISE ALONE TO DETERMINE WHAT COURSE TO TAKE.

PRESIDENT BOTHA'S LETTER ALSO REFERS TO THE SUMS INVOLVED IN THE ALLEGED OFFENCES. IT IS NOT FOR US TO COMMENT ON THE SERIOUSNESS OF THE CHARGES BROUGHT. THIS IS FOR THE COMMISSIONERS TO JUDGE IN THE LIGHT OF ALL THE CIRCUMSTANCES. BUT WE UNDERSTAND THAT INVESTIGATIONS ARE CONTINUING AND THE POSSIBILITY OF FURTHER CHARGES CANNOT BE PRECLUDED. ENDS

ORIGINAL FOLLOWS BY BAG LEAVING HERE 12 OCTOBER.

HOWE

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10 OCT 1984		

DESKBY 161830Z  
FM FCC 161805Z OCT 84  
TO IMMEDIATE PRETORIA  
TELEGRAM NUMBER 291 OF 16 OCT 84

MIPT: PRESIDENT BOTHA'S LETTER TO THE PRIME MINISTER  
1. FOLLOWING IS TEXT OF PRESIDENT BOTHA'S LETTER TO

BEGINS

THANK YOU FOR YOUR LETTER OF 10 OCTOBER 1984.  
THERE ARE A NUMBER OF MATTERS RAISED IN YOUR LETTER, PRIME  
MINISTER, WHICH CAUSE ME AND MY GOVERNMENT SERIOUS CONCERN.  
THE CONTINUED REFUSAL OF YOUR GOVERNMENT SERIOUSLY TO ADDRESS  
THE REPRESENTATIONS OF THE SOUTH AFRICAN GOVERNMENT,  
PARTICULARLY, THOSE RELATING TO THE IMPROPER USE OF THE BRITISH  
CONSULATE IN DURBAN, HAS ALREADY NECESSITATED AN ACT OF  
REPRISAL WHICH, I CAN ASSURE YOU, WAS TAKEN ONLY AFTER  
PAINSTAKING DELIBERATION.

EMINENT COUNSEL IN BRITAIN HAVE BEEN INSTRUCTED TO SET OUT THE  
CASE IN A BRITISH COURT ON 22 OCTOBER 1984 FOR OUR DECISION  
NOT TO REQUIRE THE FOUR SOUTH AFRICANS ON BAIL TO RETURN  
TO THE UNITED KINGDOM.

I SHALL REPLY IN DETAIL SOON SETTING OUT THE REASONS FOR  
MY GOVERNMENT'S DECISION AND ATTACHING A LEGAL OPINION  
CONTAINING THE POSITION IN INTERNATIONAL LAW.  
WE WOULD NOT WISH THIS INCIDENT TO HAVE A DAMAGING EFFECT  
ON THE SUBSTANCE OF THE IMPORTANT RELATIONS BETWEEN OUR  
TWO COUNTRIES.

YOURS SINCERELY

PW BOTHA  
STATE PRESIDENT, REPUBLIC OF SOUTH AFRICA

ENDS  
HOWE

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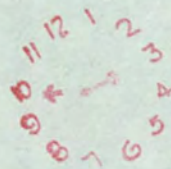
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6 NOV 1984





B.P.  
PRIME MINISTER

---

Call by South African Opposition Leader

You are seeing Dr. Van Zyl Slabbert at Mr. ver der Post's request. You last saw him in 1980.

The meeting will not be announced and there will be no photographers. I suggest the White Drawing Room.

I attach a card.

*E.D.P.*

5 November 1984



MEETING WITH DR VAN ZYL SLABBERT

1. Durban Consulate. Want the remaining three to leave. What prospect of South African Government lifting detention orders?
2. His view of how new constitutional arrangements are working.
3. The K'wangema
4. Longer-term prospects in South Africa



PS/PRIME MINISTER

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S. A. M. : Pels : P. C.

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FROM PRETORIA 311245Z  
TO PRIORITY FCO  
TELEGRAM NUMBER 580 OF 31 OCTOBER 84

MY TEL NO 575: DURBAN

1. IN DISCUSSION WITH PRESIDENT BOTHA AFTER PRESENTING MY CREDENTIALS THIS MORNING HE WAS TREATED TO SOME STERN WORDS ABOUT THE DURBAN CONSULATE.
2. SPEAKING IN MEASURED TONES, THE PRESIDENT SAID THAT RECENT DEVELOPMENTS (CLEARLY MEANING COVENTRY AS WELL AS DURBAN) HAD PLACED A STRAIN ON OUR RELATIONS. IT WAS UP TO THE BRITISH GOVERNMENT TO FIND A WAY OF BRINGING THE SITUATION TO AN END. A GROWING BODY OF SOUTH AFRICAN OPINION TOOK THE VIEW THAT OUR HANDLING OF THE DURBAN AFFAIR COULD NOT BE ACCEPTED ANY LONGER.
3. HE POINTED TO THE CONSTRAINTS AND PRESSURES FELT IN LONDON ON THESE ISSUES. THERE WERE GOOD REASONS WHY WE ACTED AS WE HAD. WE WOULD BE ONLY TOO GLAD TO SEE AN EARLY AND SATISFACTORY OUTCOME TO THE CONSULATE AFFAIR. WE HAD MADE THIS PLAIN FROM THE BEGINNING AND WOULD CONTINUE TO DO SO.
4. THE PRESIDENT REPLIED THAT HE STRONGLY OBJECTED TO THE PRESENT STATE OF AFFAIRS BEING ALLOWED TO CONTINUE. HE MADE IT CLEAR THAT HE LOOKED TO US TO FIND A SOLUTION. HE AGAIN UNDERLINED THE STRENGTH OF HIS OWN FEELINGS ON THE SUBJECT.
5. WE THEN TURNED TO OTHER MATTERS ON WHICH A REPORT FOLLOWS BY BAG. PRESIDENT BOTHA SPOKE APPRECIATIVELY OF HIS MEETING WITH THE PRIME MINISTER AT CHEQUERS THIS SUMMER. HE CALLED FOR BRITAIN AND SOUTH AFRICA TO COOPERATE OVER PROBLEMS FACING THE COUNTRIES OF AFRICA, ALTHOUGH HE ADDED THAT REAL PROGRESS WOULD BE POSSIBLE ONLY WHEN SOUTH AFRICA'S POSITION WAS FULLY RECOGNISED BY BRITAIN AND OTHER WESTERN COUNTRIES.

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6. COMMENT. THERE IS NO MISTAKING THE SERIOUSNESS WITH WHICH THE SOUTH AFRICAN GOVERNMENT VIEW THE CURRENT IMPASS AT DURBAN. THE PRESIDENT'S REMARKS CONTAINED AN IMPLIED THREAT OF SOUTH AFRICAN ACTION IF THE DEADLOCK CONTINUES. BUT I JUDGE THAT HE INTENDED HIS REMARKS MAINLY AS A MEANS OF STEPPING UP PRESSURE ON US TO END THE SHIT-IN AND NOT ALLOW IT TO DRAG ON INDEFINITELY. THIS IS IN FACT A MIRROR IMAGE OF OUR OWN TACTICS (YOUR TEL NO 315) EXCEPT THAT IT IS WE WHO ARE TRYING TO PERSUADE THE SOUTH AFRICANS THAT THEY SHOULD BE THE ONES TO MAKE A MOVE.

MOBERLY

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10 DOWNING STREET

From the Private Secretary

Prime Minister

Bishop Tutin

He is coming here soon. Robin  
Cattford has had a tentative  
enquiry from the Lambeth Palace  
whether you would want to see  
him. *No*

I am sure that you should  
not, things being difficult as they are  
with Botha. Sir G. Howe agrees.  
Agree ~~not~~ to see him?

*Proceed not C.D.P. 1/xi*





*South African Embassy*  
Trafalgar Square  
LONDON

1 November 1984

*Dubs  
4"*

Mr Charles Powell,  
Private Secretary to  
the Prime Minister,  
10, Downing Street,  
London SW1

*Dear Mr Powell,*

With reference to my letter to you of 25 October 1984,  
I now attach the original signed copy (with annexures)  
of the letter to the Prime Minister from the South  
African State President, dated 24 October 1984.

*Yours sincerely*

*L.H. Evans*

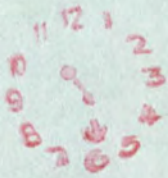
L.H. Evans  
Minister





South African Consulate  
100, Victoria Road  
Durban

ABERDEEN - 2 NOV 1984



*[Faint, illegible handwritten text]*



COVERING RESTRICTED



Foreign and Commonwealth Office

London SW1A 2AH

2 November 1984

*Dear Charles,*

Call on the Prime Minister by Dr Van Zyl Slabbert:  
7 November

Thank you for your letter of 30 October. I enclose a brief for the Prime Minister's meeting with Dr Van Zyl Slabbert, the leader of the main white opposition party in South Africa, the Progressive Federal Party.

Dr Van Zyl Slabbert called on the Prime Minister in 1980. On that occasion, as this, the meeting was arranged through private channels. He also met Mr Rifkind in 1983. The South African Government have in the past shown some sensitivity when they have felt that members of the main opposition party in South Africa have had readier access to our Ministers than visiting South African Government Ministers. This is, of course, particularly true where the Prime Minister is concerned. We hope that on this occasion no such difficulty will arise given the Prime Minister's meeting on 2 June with P W Botha. But South African anger that the Prime Minister was unable to see their Ambassador to receive a message from Mr Botha over the Durban Consulate affair in September is a reminder that we should present Dr Van Zyl Slabbert's call carefully. I have already suggested that publicity should be kept to a minimum. We recommend that you take the line that this is a courtesy call, and that your Press Office should remind journalists of the Prime Minister's substantive meeting with Mr Botha in the summer.

*Yours ever,*

*Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

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CALL ON THE PRIME MINISTER BY DR VAN ZYL SLABBERT,

7 NOVEMBER 1984

SOUTH AFRICA

POINTS TO MAKE

DURBAN

1. Very difficult situation and hard to see how it will end.

Had to put an end to political activity in the Consulate.  
But forcible eviction unacceptable here. We cannot intervene with South African Government.

2. (Legal Position) Do not accept that by our attitude to SA request that we surrender the 6/3 or permit the authorities access to arrest them we have obstructed SA process of law enforcement. Have sought to persuade 6/3 to leave voluntarily, without recourse to force. Could not be a party to that. Forcible eviction would cause fierce public reaction here.

3. Naturally concerned at effect on bilateral relations:  
But we have sought to contain issue, avoid public row.  
Remains our intention.

4. Situation is inhibiting our ability to communicate with





South African Government on wider issues, including detention without trial, which are at core of the Durban incident.

What prospect of SAG lifting detention orders now that apparent original reasons for them (the constitutional elections) have passed?

#### COVENTRY FOUR

5. Have strongly condemned the breach of faith by the South African Government over the Coventry Four. But despite Parliamentary pressure have ~~been~~ deliberately refrained from tough response. A round of reprisals in no-one's interest. We wish to avoid exacerbating the Durban problem.

6. Noted strong critical reaction in many circles in South Africa including your own statement, to the South African Government's decision. What is the feeling now?

#### NEW SA CONSTITUTION AND INTERNAL SITUATION

7. Recent violence, arrests etc very bad advert for South Africa abroad.

8. New Constitution seriously flawed by absence of any provision for black majority. Credibility of new arrangements further dented by elections (low turn-out, violence, etc). But we still believe new arrangements should





be given test of time. What is your view now? How effective will Indian and Coloured chambers be? Will you be able to work with Indian and Coloured parties to obtain significant changes?

9. Recent unrest in townships worrying. Symptomatic of growing black alienation, especially now Indian and Coloureds have been given political rights. How about your own relations with Black leaders (eg Buthelezi)? Is there any prospect of the Cabinet Committee on Urban Blacks coming up with radical recommendations which would win Black support?





## BACKGROUND

## DR FREDERICK VAN ZYL SLABBERT

1. 44 years of age with a solid Afrikaaner background. After an early academic career, (in sociology), he entered the South African Parliament in 1974 as the Progressive Federal Party (PFP) member for Rondebosch. He became leader of the PFP in 1979 and has been an effective leader of the main white Opposition party. The PFP gained seats in the 1981 General Election but lost support among English speaking whites during the campaign for the referendum on the constitutional proposals. The PFP has still to recover lost ground but there is no challenge to Dr Van Zyl Slabbert's leadership of the party.

2. Dr Van Zyl Slabbert saw the Prime Minister in 1980. He called on Mr Rifkind when he was in London in December 1983.

## DURBAN/COVENTRY

3. Three of the six South African opposition leaders who entered our Consulate in Durban on 13 September are still there. From the outset our policy was based on (i) no forcible eviction, (ii) no intervention or negotiation with the South African Government; (iii) attempts to persuade the men to leave voluntarily.

4. Following a clandestine TV interview on 7 October we





sought assurances from the men that there would be no further political activity. This assurance was not forthcoming and a statement issued by the men on 18 October indicated that they would continue to use the Consulate for political purposes. We therefore announced on 21 October the termination of all visits and a considerable reduction in the Consulate's work. At present we plan no further moves to increase pressure on the three to leave, though closure of the Consulate remains one option.

5. The South African Government has accused us, because of our attitude to their request of 20 September that we surrender the men or permit the authorities access to arrest them, of obstructing the enforcement of South African law (we have rejected this) and stated that therefore they consider themselves absolved from their commitment to return the four South Africans facing charges of violating Customs and Excise legislation in connection with the UN Arms Embargo. The four did not appear in the Coventry Court on 22 October. The Court ordered all bail monies (a total of £400,000) to be surrendered and issued warrants for the arrest of the four. The Court held the South African Government responsible for their non-appearance. We have strongly condemned the action of the South African Government and said that we now expect the South African Government not to impede the appearance of the four in Court.





6. The PFP has not taken a position on the Durban incident but following the decision not to return the Four, Dr Van Zyl Slabbert condemned the South African Government for breaking its word and suggested that the South African Foreign Minister, Pik Botha, should resign because he had 'brought dishonour to our country'.

#### NEW SOUTH AFRICAN CONSTITUTION

7. The PFP campaigned vigorously for the rejection of the new constitutional proposals which involved the establishment of Indian and Coloured Chambers in a tri-cameral Parliament, in the November 1983 referendum of whites. They opposed the constitution on the grounds that it entrenched apartheid and excluded blacks. But the Government won a two-thirds 'Yes' vote including many traditional PFP supporters<sup>who</sup> supported the proposals on the grounds that they represented a 'step in the right direction'. The PFP subsequently decided to participate fully in the new Constitutional arrangements.

8. The turn-out in the August elections to the Coloured and Indian Chambers was low (below 20%) and reflected deep scepticism among Coloureds and Indians. The elections were marked by violence and the arrest and detention of leaders of the United Democratic Front (multi-racial political federation opposed to the new Constitution) engaged in organising a boycott of the elections. The new arrangements





have now been implemented but apart from a brief formal session in September, the new Parliament has still to meet (the session opens in January). The PFP intends to make common cause where it can with Coloured and Indian MPs but the inexperience of the new members will be an inhibiting factor.

9. The new constitution has been condemned by the UNGA and the Security Council. UK and US abstained on both resolutions. We continue to reserve judgement on the new arrangements.

#### INTERNAL SITUATION IN SOUTH AFRICA

10. There has been considerable tension and unrest in black townships in South Africa in last three months. Some, though by no means all associated with the implementation of the new Constitution. (Other causes were rent rises, dissatisfaction with the new black local authorities, longstanding complaints over education were also significant). Estimates put the number of dead at up to 130. Black schools boycotts, mainly in Transvaal have continued for many months. Detentions without trial increased sharply (119 in August at the time of the Coloured and Indian elections). We made representations to the South African Government on 27 August about the arrests and detentions and were party to the statement by Foreign Ministers of the Ten on 11 September which expressed



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concern about the unrest in the townships and the reaction by  
the authorities.

Southern African Department

2 November 1984

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South Africa  
Reb





# CONFIDENTIAL

GRS 1000  
CONFIDENTIAL  
FM PRETORIA 301505Z OCT 1984  
TO PRIORITY FCO  
TELNO. 575 OF 30TH OCT 1984

*ms*

YOUR TELNO 321: DURBAN

## SUMMARY

1. NO SIGNS OF MOVEMENT BY THE SOUTH AFRICAN GOVERNMENT OR THE THREE. SHOULD WE TAKE FURTHER STEPS OURSELVES ?

## DETAIL

2. PRESIDENT BOTHA'S MESSAGE (YOUR TELNO 319), THOUGH FAIRLY CONCILIATORY IN TONE, OFFERS NO CONCESSIONS ON ANY POINT OF SUBSTANCE. AFTER THE FAILURE OF THE COVENTRY FOUR TO APPEAR, IT WOULD NOW BE IN THE SOUTH AFRICAN INTEREST TO LOWER THE TEMPERATURE. BUT IT IS NOT EASY TO SEE HOW WE CAN EMERGE FROM THE PRESENT IMPASSE. I WAS INTERESTED TO NOTE WORRALL'S REFERENCE TO 'SOME IDEAS WHICH MIGHT BE USEFUL'. PMK BOTHA, HOWEVER, GAVE ME LITTLE REASON TO BELIEVE THAT THE SOUTH AFRICANS ARE LIKELY TO TRY TO HELP US OUT OF OUR DIFFICULTIES.

3. THE SOUTH AFRICANS SEEM TO HAVE A RANGE OF OPTIONS OPEN TO THEM, INCLUDING :

- (A) TO DO NOTHING.
- (B) TO TRY TO FORCE EVICTION OR CLOSURE UNDER LOCAL BY-LAWS.
- (C) TO ASK US TO CLOSE THE CONSULATE.
- (D) TO TAKE ACTION WHICH MIGHT PERSUADE THE THREE TO LEAVE EG BY REMOVING DETENTION ORDERS ON ONE OR MORE OF THE THREE WHO VOLUNTARILY LEFT THE CONSULATE.
- (E) TO WITHDRAW ALL DETENTION ORDERS ON GROUNDS THAT THE PURPOSE FOR WHICH THEY WERE IMPOSED HAS NOW BEEN SERVED.
- (F) TO SEND IN THE POLICE.

4. IN PRESENT CIRCUMSTANCES, THE SOUTH AFRICANS CAN HAVE LITTLE INCENTIVE TO TAKE ANY POSITIVE ACTION, WHETHER AGAINST THE CONSULATE (B OR C) OR IN FAVOUR OF THE THREE (D OR E). WE CANNOT RULE OUT A DECISION TO USE THE POLICE (F), BUT HAVING COME THIS FAR WITHOUT TAKING SUCH DRASTIC ACTION I BELIEVE THE ARGUMENTS AGAINST IT WILL CONTINUE TO WEIGH HEAVILY WITH THE SOUTH AFRICANS. MY BEST GUESS IS THAT THEY WILL PREFER TO LET THINGS DRIFT IN THE HOPE THAT INTERNATIONAL INTEREST WILL SLACKEN AND THAT WE MAY OURSELVES DECIDE TO TAKE DEFINITIVE ACTION TO RESOLVE THE CRISIS. THIS MEANS THAT IT IS LESS LIKELY THAT THEY WILL TRY TO FORCE THE ISSUE. (OUR LEGAL ADVISERS HAVE, INCIDENTALLY, DISCOVERED THAT THE BY-LAWS FOR OFFICES IN THE DURBAN CENTRAL BUSINESS DISTRICT ALLOW 2% OF OFFICE BUILDING SPACE TO BE USED FOR ACCOMMODATION PURPOSES. THIS MAY SLIGHTLY LESSEN THE LIKELIHOOD OF ACTION UNDER (B).

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5. AS REGARDS THE MENTAL AND PHYSICAL STATE OF THE THREE IN THE CONSULATE, ALTHOUGH THEY ARE MISSING CONTACT WITH FAMILIES AND LAWYERS AND ARE DISAPPOINTED THAT THEIR APPEAL TO THE MINISTER OF LAW AND ORDER HAS HAD NO EFFECT, THERE IS NO SIGN THAT THEY ARE CONTEMPLATING AN END TO THEIR SITUATION. THE THREE HAVE WRITTEN TO THEIR LAWYERS ABOUT ARRANGEMENTS FOR REPRESENTATION AT THEIR APPEAL IN BLOEMFONTEIN AND THIS COULD BE MAY WEEKS AWAY. ALL THREE HAVE EXPERIENCE OF BEING BANNED. IN GUMEDE'S CASE HE SPENT A LONG TIME ON ROBBER ISLAND. AT PRESENT THEY SEEM UNLIKELY TO MAKE ANY MOVE WITHOUT ADVICE FROM LAWYERS AND THE NIC.

6. SINCE WE HAVE INTRODUCED THE NEW ARRANGEMENTS AT THE CONSULATE, WE HAVE NOT MADE ANY FURTHER APPEALS TO LAWYERS OR THE THREE TO LEAVE. DR MEER, ACTING PRESIDENT OF THE NIC, TOLD THE PRESS OVER THE WEEKEND THAT HE WAS GIVING THOUGHT TO WAYS IN WHICH THE CONSULATE SITUATION COULD BE BROUGHT TO AN END, BUT THE PRESS HAVE TOLD US THAT NIC SOURCES HAVE ALSO BEEN SAYING THAT THE THREE ARE SETTLING IN FOR AN INDEFINITE PERIOD AND ARE UNLIKELY TO LEAVE IN THE NEAR FUTURE.

7. THE PRESENT SITUATION CONTINUES TO BE HIGHLY UNSATISFACTORY: IT MEANS THAT NONE OF OUR STAFF IN DURBAN IS REALLY PRODUCTIVELY EMPLOYED ALTHOUGH THE CONSUL WILL BE VISITING KWAZULU LATER THIS WEEK ON A ROUTINE VISIT THAT HAS BEEN PLANNED FROM HIS HOME AND THE VICE CONSUL (COMMERCIAL) IS DOING SOME VISITS ALSO PLANNED FROM HIS HOME. THREE STAFF FROM ELSEWHERE IN SOUTH AFRICA ARE NOW ENGAGED IN DUTIES IN DURBAN. WE ASSUME THAT YOU WOULD NOT WISH TO CONTEMPLATE DEVOTING SUCH RESOURCES TO LOOKING AFTER THE THREE INDEFINITELY (AND AFTER A WEEK OR TWO WE SHALL PROBABLY NEED TO ASK FOR EXTERNAL REINFORCEMENT IF WORK AT OTHER POSTS IN SOUTH AFRICA IS NOT TO BE UNACCEPTABLY CURTAILED).

8. AS SEEN FROM HERE WE HAVE BASICALLY THREE OPTIONS:

- (A) TO CONTINUE AS WE ARE IN THE HOPE THAT A COMPARATIVE LESSENING OF PUBLIC INTEREST AND FEELINGS OF ISOLATION WILL BRING THE MEN TO LEAVE. BUT THIS COULD BE A VERY LONG HAUL.
- (B) TO POINT OUT TO LAWYERS AND THE THREE EVEN MORE FORCEFULLY THAN BEFORE THAT WE HAVE REACHED THE LIMIT OF OUR ABILITY TO HELP THEM, THAT THE CONSULATE HAS SCARCELY BEEN ABLE TO OPERATE SINCE 13 SEPTEMBER, THAT THE SITUATION CANNOT GO ON INDEFINITELY AND TO ASK THEM ABOUT THEIR PLANS FOR ENDING IT. DR MEER'S REMARKS (PARA 6 ABOVE) WOULD PROVIDE A HANDLE FOR SUCH ACTION.
- (C) TO SERVE NOTICE THAT WE SHALL SOON HAVE TO CLOSE THE OFFICE IF THE THREE DO NOT LEAVE VOLUNTARILY, MAKING MAXIMUM PLAY OF THEIR REFUSAL TO COOPERATE AND OF THE DISOBLIGING STATEMENTS ABOUT OUR ROLE WHICH CONTINUE TO BE MADE BY THEIR CLOSEST SUPPORTERS.

<sup>2</sup>  
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19.



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9. IN PRESENT CIRCUMSTANCES, IT IS NOT EASY TO DECIDE WHICH COURSE IS THE MOST LIKELY TO BE PRODUCTIVE. THE NIC AND THE THREE ARE CLEARLY FRUSTRATED BY THE PRESENT SITUATION. THERE MIGHT BE A CASE FOR WAITING A LITTLE LONGER TO SEE WHETHER THIS PROMPTS THEM INTO ACTION. HOWEVER, THIS COULD VERY WELL LEAVE US FURTHER DOWN THE ROAD WITH NO CHANGE. A RESURGENCE OF INTERNATIONAL INTEREST, ESPECIALLY ON BISHOP TUTU'S RETURN, IS POSSIBLE AND EVEN PROBABLE. FOR THIS REASON, MY PREFERENCE WOULD BE TO PURSUE 8(B) ABOVE AND TO REITERATE TO THE THREE AND TO THEIR LAWYERS WITHOUT FURTHER DELAY THAT THE THREE SHOULD LEAVE, COUPLED WITH A RENEWED URGENT ENQUIRY ABOUT THEIR INTENTIONS. IF IN SAY A WEEK'S TIME THERE IS NO SATISFACTORY RESPONSE, I BELIEVE THAT WE SHOULD THEN BE JUSTIFIED IN MOVING ON TO 8(C). WARNING OF CLOSURE WOULD BE BOUND TO LEAK AND THERE WOULD NO DOUBT BE STRONG PROTESTS. BUT TO CLOSE WITHOUT A FINAL WARNING COULD BE CONSIDERED EVEN MORE HIGH-HANDED AT THIS STAGE. ONCE A FINAL WARNING HAS BEEN ISSUED, HOWEVER, THERE SHOULD BE NO TURNING BACK FROM CLOSURE ITSELF WITHIN A SHORT PERIOD.

MOBERLY

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SOUTHERN AFRICA

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SOUTHERN AFRICA

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# CONFIDENTIAL



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10 DOWNING STREET

*From the Private Secretary*

30 October 1984

South Africa

The Prime Minister has agreed to see Mr. van Zyl Slabbert on Wednesday 7 November. This is at the instigation of Mr. van der Post. You will recall that I mentioned this to you and the Department saw no objection.

BF | I should be grateful for briefing by Monday 5 November.

Charles Powell

Colin Budd Esq  
Foreign and Commonwealth Office.

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D. R.

MR. POWELL

Laurens van der Post rang this morning to confirm Wednesday, 7 November at 12 noon for Mr. van Zyl Slabbert.

Could you please commission briefing from the FCO?

*CR.*

30 October 1984





10 DOWNING STREET

*From the Private Secretary*

25 October 1984

RF )  
I enclose a copy of a letter to the Prime Minister from President Botha delivered to No.10 this evening, together with copious enclosures. I should be grateful for a draft reply in due course though I see no particular reason to hurry.

C.D. Powell

Colin Budd, Esq.,  
Foreign and Commonwealth Office.

SS





*South African Embassy*  
Trafalgar Square  
LONDON WC2N 5DP

25 October 1984

CM

Mr C Powell  
10 Downing Street  
LONDON SW1A

Dear Mr Powell

I am requested by the State President of South Africa to convey the text of a letter addressed to the Prime Minister, the Rt Hon Margaret Thatcher, MP, to you. The original signed copy of this letter will be dated 24 October 1984. It would be much appreciated if you could kindly hand the enclosed letter and its annexures to the Prime Minister.

I am most grateful for your kind assistance in this regard.

*Yours sincerely*  
*L H Evans*

L H Evans  
MINISTER

*Opinion*  
*100%*  
*Pay*  
*III*



D.R.

1. Mr Powell

This is presumably Mr. Van Zyl Slabbert, successor to Helen Suzman as leader of the Progressive Federal Party. The FCO have no knowledge of a visit by him.

2. Prime Minister

The South African Government would not be happy about your seeing him, at a time when relations are already difficult. But since you have seen Botha, there can be no sustainable objection.

Laurens van der Post rang this morning. The South African Leader of the Opposition is coming to Europe to see President Mitterrand at the end of October. He would like to come to London to see you at the beginning of November. You will remember that this is just before The Queen's Speech.

Agree to see him?

CJP 24/10

Content that I find a slot?

- Not before the 6<sup>th</sup>

*[Handwritten initials]*

C.P.

because of speech

24 October 1984





PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. T1791/84

CL MINISTER  
OPS.

Union Buildings  
Pretoria

24 October 1984

Dear Prime Minister

I wish to refer to my interim reply of 15 October 1984 to your message of 10 October 1984.

At the outset let me correct any misunderstanding which might have arisen. The South African Government at no time proposed a compounded settlement of the case in the United Kingdom involving the four South African citizens but stated that such a compounded settlement may still have represented a solution, albeit only in part, to the dilemma in which the two governments found themselves. Moreover in discussions between officers representing the South African Department of Foreign Affairs and the Foreign and Commonwealth Office respectively, it had been pointed out that such a compounding procedure would not be uncommon. The suggestion that this avenue might be explored was made in an endeavour to assist the British Government and at no stage was it suggested that the British Government interfere in the due process of law but rather that some mutually acceptable arrangement be arrived at in accordance with the procedure in most western legal systems.



We have considered the Note attached to your letter of 10 October 1984 most carefully and in this connection, I attach an opinion dated 20 October 1984 drawn up by the Legal Advisers of the Department of Foreign Affairs setting out the position in international law. Also attached is a resume of the detailed submissions made by Mr George Carman QC to the Coventry Magistrate's Court on 22 October 1984.

From this, Prime Minister, I believe that you will see that my Government did not lightly take the decision to regard itself as absolved in law from the undertakings given to the Court at Coventry.

As far as the four are concerned, it should be pointed out that until the British Government's breach of international law in permitting the continued stay of the six in the British Consulate in Durban, the South African Government was fully prepared to honour its commitment given to the British Court concerned. As a result, however, of that breach, the South African Government saw fit in terms of international law to take the action it did in reprisal and I must state frankly, Prime Minister, that it will not now force the four men to return to the United Kingdom to stand trial.

The Magistrates in Coventry came to the conclusion that the Court was not competent to rule on South Africa's political and legal reasons or justification for breaking its undertaking. We certainly would have welcomed a ruling on the legal arguments advanced in detail on behalf of my Government and supported by authority and precedent.

You will be aware that the South African Government did not invoke diplomatic immunity or other valid reasons in respect of the enforcement of the Order of the Court so far as the surety was concerned. Out of respect for the Court surety's recognisance of £200 000 was paid over forthwith.



Regarding the message conveyed by Mr Rifkind to Ambassador Worrall on 18 October 1984, while, Prime Minister, you are fully entitled to dispute the nature of the reprisal action, I would suggest that your Government is not justified in dismissing the integrity of my Government, which has a record of honouring its international undertakings. You will appreciate the background to our decision on reprisal particularly in the light of the misuse of the Consulate in Durban over the past five weeks.

I appreciate that your Government is under domestic political pressure on this issue. We, too, have had to endure mounting dissatisfaction by the public in South Africa regarding the situation at the Durban Consulate. You can imagine that the intervention of the leadership of the British Labour Party, and Mr Donald Anderson's ill-advised personal presence at the Consulate (for which obviously I do not blame you) was politically aimed at discrediting the South African Government both domestically and internationally. Besides the political implications of this untimely visit it did not contribute to the maintenance of public law and order. My Government nevertheless resisted placing any constraints on Mr Anderson.

My Government has taken note of the recent measures adopted in respect of those persons still in the Consulate in Durban. It is sincerely hoped that they will now leave the consular premises so that this whole regrettable matter can come to an end.

Although it is clear that we differ fundamentally on the position in law, I feel that the time has now arrived for our two Governments to refrain from acrimonious exchanges in public and to work towards a mutual understanding of the dilemmas in which we find ourselves. It is my opinion that it is only our enemies that can benefit from a continuing public confrontation between our two Governments.



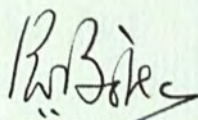
Prime Minister, I am heartened by the information that your Government has recently announced an additional £5 million of programme aid to Mozambique.

Recent developments in Mozambique will require understanding and patience on the part of all governments concerned about the future of southern Africa. South Africa is doing its utmost, despite a United Nations arms embargo, to bring about peace in Mozambique and has been requested by both sides to play a role in the implementation of the declaration announced by Foreign Minister R F Botha on 3 October 1984.

South Africa, as a regional power in southern Africa, is willing to play the role which it has been invited to fulfil in the search for peace in the region but, Prime Minister, I trust that you will agree that a number of countries in the United Nations are going out of their way to obstruct our efforts and those of other leaders of the region in this direction.

I wish to take this opportunity of conveying the assurance of my highest regard and personal best wishes.

Yours sincerely

  
P W BOTHA

STATE PRESIDENT OF THE  
REPUBLIC OF SOUTH AFRICA

The Rt Hon Margaret Thatcher, MP  
Prime Minister  
10 Downing Street  
LONDON SW1



THE DURBAN BRITISH CONSULATE ISSUE AND SOUTH AFRICA'S REPRISAL

1. We have considered the legal argument adduced by the British Government in the note attached to the British Prime Minister's message of 10 October. The essence of this argument may be summarized as follows:

- The stay of the six men in the Consulate began without the agreement of the British Government but on humanitarian grounds the British Government was justified in not forcing them to leave the premises.
- Their continued stay was without any encouragement from the British Government - on the contrary, the British Government encouraged their departure.
- In these circumstances, Britain's unwillingness to evict the six cannot fairly be described as obstructing the enforcement of South Africa's law, nor should it be characterized as a breach of international law.
- That being so, South Africa's act of reprisal cannot be accepted as legitimate, and, in any case, was entirely unconnected with the incident at the Consulate.

2. We do not agree with this argument. It is quite clear



that the continued stay of the Six (now Three) in the Consulate was with the consent and permission of the British Government. That the British Government may encourage them to depart the premises, but be unwilling to evict them against their will, is entirely irrelevant if, as we submit, their continued presence is in breach of international law.

Moreover, the whole purpose of the six in seeking asylum in the Consulate was to prevent the enforcement of due legal process against them - a fact well known to the British Government. Thus it is equally clear that in granting that asylum the British Government were themselves obstructing the enforcement of South African law by the South African Authorities.

3. There remains only the argument that the conduct of the British Government does not amount to a breach of international law and that South Africa's act of reprisal was therefore not legitimate. We shall now address ourselves to this issue.

#### THE VIENNA CONVENTION ON CONSULAR RELATIONS

4. In terms of this Convention, which to a large extent may be taken to codify customary international law, consular personnel have a duty to respect the laws



and regulations of the receiving state and not to interfere in its internal affairs (article 55(1)). Nor may consular premises be used in any manner incompatible with the exercise of consular functions (article 55(2)) which are set out in article 5 and which do not include the granting of asylum.

5. It is significant to note that at the conference which formulated this convention, the United Kingdom itself proposed the inclusion of a specific provision to the effect that "Consular premises shall not be used to afford asylum to fugitives from justice" (UN Doc. A/COF 25/C.2/L29). Although the proposal was not adopted, it correctly reflected customary international law and it is accordingly this law which still regulates the grant or refusal of consular (and diplomatic) asylum.

STATE PRACTICE AS EVIDENCE OF CUSTOMARY INTERNATIONAL  
LAW:

BRITISH PRACTICE

6. In 1896 the British Law Officers denied the validity of a grant of asylum by the German Consul at Zanzibar and stated that "This right of asylum, even in the case of ambassadors, can properly be conferred only



by the consent of the countries to whom they are accredited" (McNair, International Law Opinions, Vol II, 1956,76).

7. In 1908 the Secretary of State for the Colonies sent a circular to the Governors of certain colonies stating that "The right of affording asylum to foreigners other than British subjects seeking refuge at the Consulate, is not claimed by His Majesty's Government" (7 British Digest, 919-920).
8. When a member of a party of Russian athletes visiting Britain in 1956 was charged with an offence, the British authorities insisted that she submit herself to the jurisdiction of the local courts and that there could be no extra-territorial asylum in the Embassy of her own country (see Latham Brown, Public International Law, 1970, 33).
9. McNair, *ibid*, concludes that "(T)he general conclusion to be drawn from the preceding reports is that the United Kingdom Government recognizes no legal right to grant asylum upon diplomatic or consular premises ... and no legal right to demand it ...".



10. This practice is also reflected in bilateral consular treaties concluded by the United Kingdom. Article 8 (5) of the United States - United Kingdom Consular Convention of 1951, for example, provides: "Neither a consular office, nor the flag of the Sending State shall be used to afford asylum to fugitives from justice." See also for similar provisions UK - Norway 1951, art 19(5): UK - France, 1951, art 11 (2): UK - Sweden 1952, art 10(4): UK - Greece 1953, Art 19(4): UK - Mexico, 1954, Art 10(4): UK - Italy, 1954, art 19(3): UK - Federal Republic of Germany 1956, art 8(4). It should be noted that in those bilateral consular conventions concluded by the UK where similar provisions do not appear, no right to grant asylum is recognised. On the contrary, the provisions of these conventions make it clear that consular premises shall not be used in a manner incompatible with normal consular functions.

#### UNITED STATES PRACTICE

11. United States Consuls have been ordered to abstain from interfering on behalf of individuals who are neither citizens nor have any rightful claim to US protection, particularly when such protection is likely to bring the United States Consul into conflict with the representatives of powers friendly to



the United States (Wharton, Digest, Vol I, 675).

12. Instructions have also been issued that if the host state objects, asylum should be terminated (Wharton, Digest, Vol I, 675).
13. The United States has found the practice of affording asylum in a foreign legation to be without legal basis and contrary to sound policy (Wharton, Digest, Vol I, 679-680), and has deprecated its existence and instructed its representatives to avoid committing it (Wharton, Digest, Vol I, 685-686).
14. The United States has taken the position that they claim no right or privilege of asylum, especially when it may lead to the obstruction of the direct operation of law (Prakash Sinha, Asylum and International Law, 1971, 215).
15. During the Spanish revolution in 1936 the American Ambassador in Madrid was instructed to give refuge to those who were in actual danger from mob-violence, but not to grant protection for the purpose of enabling the refugees to avoid arrest (Sen, A Diplomat's Handbook of International Law and Practice, 1979, 359; Whiteman, Digest of International Law, vol 6, 445 et seq).



THE GENERAL RULE

16. The above survey of the practice of the United Kingdom and the United States leaves no room for doubt that as a general rule they neither admit nor demand a right to grant asylum on diplomatic or consular premises. Both states, it would seem follow this practice in the conviction that they are legally obliged to do so.
17. This rule may, however, be subject to a limited qualification in that temporary refuge on such premises is in exceptional cases granted because of humanitarian considerations.
18. Since it is precisely upon this ground that the British seek to justify their granting of asylum to the six in the Durban Consulate, we now examine the ambit and content of this possible exception to the general rule.

THE GRANT OF REFUGE ON HUMANITARIAN GROUNDS

19. Exceptionally, it is claimed, the asylum or refuge may be granted on humanitarian grounds. Morgenstern, "Extra-territorial asylum", BYIL, 1948, 247, states that this practice is by no means firmly established in law and is frequently criticized on the grounds of



expediency (Jessup, *AJIL*, 32(1938), 116-118).

20. Be that as it may, United States practice over a long period of time granted asylum to persons in order to protect them from imminent danger in the face of mob-violence or other lawlessness in circumstances where a state of anarchy prevails or where a government is too weak to protect its own citizens. In 1959 the Department of State instructed the US Embassy in Cape Town "That the practice of the US was not to grant diplomatic asylum except temporarily where the person seeking asylum was in immediate and grave danger ...". In 1960 that Department instructed the US Embassy in San Salvador "That asylum might be extended to certain persons if they were in imminent physical danger from mob-violence but only during the time of such imminent danger." (Whiteman, *Digest*, vol 6, 451). In 1960 the Department of State instructed the US Embassy in New Delhi that "(I)t is only when the local government has become unable to assure the safety of the refugee and his life is consequently endangered through mob-violence or other lawlessness that protection may be granted" (Sinha, *op cit*, 217).
21. British practice is to the same effect. Asylum is granted in the case of imminent danger to the individual. In 1904 the British Legal Advisers stated in



a comment upon a Foreign Office Memorandum that "Diplomatic asylum ought strictly to be confined to cases in which the refugee is exposed to instant or imminent personal peril" (7 British Digest, 915-917). In a memorandum of 3 May 1870 relative to the grant of asylum to refugees in Her Majesty's legations, the British Representatives in foreign countries were instructed that "The practice of granting an asylum to political refugees was considered to be highly objectionable" although some discretion might be exercised "In urgent cases where lives may be saved" (Sinha, *op cit*, 213).

22. So too with Canadian Practice. In 1961 in reply to an inquiry as to Canadian practice the Under-Secretary of State for External Affairs stated that: "The position that Canada takes is that our Consular and Diplomatic missions abroad may not grant asylum on the premises of a post except in extraordinary circumstances. The sort of circumstances that we have in mind is where temporary asylum would be granted ... to a person ... if he is in imminent personal danger of his life ..." (Castell, *International Law*, 1976, 519).
23. The conclusion is unavoidable that in the exceptional case where diplomatic or consular asylum may be granted on the ground of humanitarian considerations,



that right is very circumscribed and from the authority and state practice cited above is limited to those cases in which an individual is in grave and imminent danger of his life or is otherwise exposed to immediate and grave physical violence.

24. It also appears from the authorities that temporary safe haven will never be granted to a person attempting to escape from the normal processes of the law (Castell, *op cit*, 519: Morgenstern, *op cit*, 257). Moreover, as regards the time-span for which the refuge may be granted, all the authorities make it clear that it may last only for as long as any danger for which protection is granted, exists (Morgenstern, *op cit*, 248: Briggs, *The Law of Nations*, 1952, 793).
  
25. It is only when these restrictions are observed that the grant of diplomatic or consular asylum can be reconciled with the sovereignty of the receiving state. To go any further infringes that sovereignty and renders the granting of asylum a breach of international law. This is so because territorial sovereignty is a fundamental principle of international law and a decision to grant extraterritorial (e.g. diplomatic or consular) asylum clearly involves a derogation from the sovereignty of the state concerned. (The International Court of Justice in the Asylum case, 1950, ICJ Reports, 187). (See also: Sinha, *op cit*,



207: Morgenstern, op cit, 236: Sen, op cit, 357:  
Castell, op cit, 519: Henkin, Pugh, Schachter, Smit,  
International Law, Cases and Materials, 1980, 54  
and 531: Von Glahn, Law Amongst Nations, 1971,  
389: Latham Brown, op cit, 133).

26. In the present case, the six men involved were at no time in any danger of their lives or any other physical violence. This view appears to be shared by the United States Government as evidenced in their recent reply to a request by the legal representatives of the six to grant the latter sanctuary in the US Embassy. The reply was as follows:

"With respect to your request that the US Government provide 'sanctuary' to your clients, you should be advised that our policy permits the granting of temporary refuge (we do not provide 'sanctuary') only in exceptional cases of imminent bodily harm for the visitor, based on humanitarian considerations, such as when a person is being pursued by a mob. This is not, in our judgement, the position in which your clients find themselves."



CONCLUSION ON A BREACH OF INTERNATIONAL LAW

27. Since the six were never in any danger of their lives or other physical violence and since they were indubitably merely attempting to escape the normal processes of the law, we are firmly of the opinion that the conduct of the British Government in permitting them to remain in the Durban Consulate (for an exorbitantly long period) constituted a clear and serious breach of international law. It was an abuse of the consular function, amounting to unwarranted interference in South Africa's internal affairs, which made impossible the enforcement of South African law against South African Citizens.

SOUTH AFRICA'S ACT OF REPRISAL

28. Beyond averring that South Africa's act of reprisal was not legitimate because, in their view, they were not guilty of a breach of international law, the British Government have not addressed legal argument on the question of reprisals.

Nevertheless, in view of our conclusion that the British Government did indeed act contrary to International Law and are thus guilty of committing an international wrong, we think it expedient to consider the matter briefly.



29. Reprisals are described as "acts which, although normally illegal, are exceptionably permitted as reaction of one state against a violation of its right by another state (Kelsen, Principles of International Law, 1922, 23). They are according to Oppenheim (International Law, vol 2, 7th Ed, 136) "admissible in all cases for which the injured state cannot get reparation through negotiation or other amicable means". (See also Sorenson, Manual of Public International Law, 1968, 753: Akehurst, A Modern Introduction to International Law, 1982, 6: Walker, The Oxford Companion to Law, 1984, 1061: Brierly, The Law of Nations, 1955, 323-4: Moore, A Digest of International Law, vol 7, 1906, 106: Fenwick, International Law, 1948, 533: Kalshoven, Belligerent Reprisals, 1971, 22 et seq).
30. In a nutshell, reprisals are acts which would normally be illegal but which are rendered legal by a prior illegal act committed by another state.
31. Regarding the legitimacy of reprisals, the requirements laid down by the arbitrators in the Naulilaa Case, (Reports of International Arbitral Awards, vol II, 1011, 1026) are generally accepted as setting out the salient legal principles, viz:



- (i) There must have been an illegal act on the part of the other state.
- (ii) The reprisal must be preceded by a request for redress of the wrong.
- (iii) The reprisal measures adopted must not be out of proportion to the provocation received due to the prior illegal act.

32. As regards the first of these requirements, we have already given it as our firm opinion that there was an illegal act on the part of the British Government in granting asylum to the six men. As regards the second, it appears from the diplomatic correspondence between the South African and British Governments that the former has over a period of some weeks addressed various requests to the latter to surrender or expel the six men (now three) in the British Consulate in Durban. These requests have been of no avail.

33. As regards the third requirement, it was also held by the arbitrators in the Naulilaa case (supra) that regarding reprisals no rigid proportionality was required. It is also not necessary (as the British appears to infer) that the reprisal should be "connected" with the international wrong done by



the other state. It need have "no affinity to the injury sustained" (Moore, *op cit*, 106) or, as Fenwick (*op cit*, 533) puts it:

"Reprisals differed from retorsion in that they were generally resorted to in consequence of alleged illegal acts on the part of the offending state and in that they were not limited to retaliation in kind but they might take any form of coercion which the state believed to be effective to secure redress".

(See also in this connection Kalshove, *op cit*, 25).

#### CONCLUSION ON THE ACT OF REPRISAL

34. In the present case we are of the opinion that the requirements necessary to legitimize the act of reprisal taken by South Africa were fully satisfied. Moreover, despite the fact international law requires no connection between the act of reprisal and the illegal act of the British Government, there is, in our view, very much a connection in the present case. For just as the grant of asylum to the six men by the British Government obstructed and made impossible the enforcement of South African law against them,



so the act of reprisal by South Africa obstructs and makes impossible the enforcement of British law against the four men required by the British authorities to stand trial in the United Kingdom.

\* \* \*



SOUTHERN AFRICA: ADVANCE COPIES 14

CARTLEDGE  
MR. ~~SECRETARY~~  
CABINET OFFICE

PS  
PS/14 RIFKIND  
PS/PUS  
MR FERGUSSON  
MR JOHNSON  
MR ~~MAC~~ O'NEILL  
ED/SAFD  
ED/CAFD  
ED/UND  
ED/NEWS D  
MR FREELAND LEGAL ADV. RM. WE216  
~~RESIDENT CLERK~~

PS/NO. 10 DOWNING STREET



Prime Minister  
I think we  
should take  
up the offer of  
private  
exchanges with  
the South Africans (see para 11)

CONFIDENTIAL  
DESKBY 241700Z  
FM PRETOPIA 241545Z OCT 1984  
TO IMMEDIATE FCO  
TELNO. 559 OF 24TH OCT 1984

ADVANCE COPY  
IMMEDIATE

Agree?  
CDP

YOUR TEL NO 310: DURBAN AND COVENTRY

SUMMARY

1. I WAS ASKED TO SEE THE FOREIGN MINISTER THIS MORNING (24 OCTOBER). HE WISHED TO OBJECT STRONGLY TO THE TERMS OF MR RIFKIND'S STATEMENT IN THE HOUSE OF COMMONS YESTERDAY. HE ALSO MAKE IT CLEAR THAT THE SOUTH AFRICANS ARE UNCERTAIN HOW WE PROPOSE TO PROCEED FROM HERE AND WOULD WELCOME CLARIFICATION.

DETAIL

2. MR BOTHA BEGAN BY DRAWING MY ATTENTION TO THE PASSAGE IN MR RIFKIND'S STATEMENT THAT WE HAD REFRAINED FROM EVICTING THE SIX FROM THE CONSULATE ON ACCOUNT OF HUMANITARIAN CONSIDERATIONS. YET OUR STATEMENT WENT ON TO ADMIT THAT THE SIX AND SUBSEQUENTLY THE THREE WERE ENGAGING IN POLITICAL ACTIVITIES. HE CLAIMED THAT THE MEN THEMSELVES HAD ACKNOWLEDGED THAT THEY WERE REMAINING IN THE CONSULATE FOR POLITICAL REASONS. THE DFA LEGAL ADVISER WHO WAS ALSO PRESENT ARGUED THAT WE HAD ACCEPTED ELSEWHERE THAT REFUGE FOR HUMANITARIAN REASONS SHOULD BE GRANTED ONLY WHEN THERE WAS DANGER TO LIFE OR LIMB.

3. I REPLIED THAT THE SENTENCE ABOUT HUMANITARIAN CONSIDERATIONS IN YESTERDAY'S STATEMENT SHOULD BE TAKEN IN CONTEXT. THE MINISTER OF STATE WAS GIVING A NAFFATIVE ACCOUNT OF EVENTS AT THE CONSULATE IN THAT PART OF HIS STATEMENT. I THEREFORE TOOK THE SENTENCE IN QUESTION AS AN EXPLANATION OF WHY THE SIX HAD NOT BEEN EVICTED



IN QUESTION AS AN EXPLANATION OF WHY THE SIX HAD NOT BEEN EVICTED AT THE TIME THEY FIRST APPLIED TO STAY. BUT IN ANY CASE OUR REFUSAL TO ALLOW POLITICAL ACTIVITY TO CONTINUE DID NOT MEAN THAT HUMANITARIAN CONSIDERATION HAD BEEN OVERTAKEN AS A FACTOR. AS FOR THE LEGAL ADVISER'S POINT, I SAID THAT OUR DECISION NOT TO EVICT THE MEN SHOULD BE SEEN AGAINST THE WIDER BACKGROUND OF CONCERN WHICH WE HAD EXPRESSED TO THE SOUTH AFRICAN GOVERNMENT BEFORE THE SIX ENTERED THE CONSULATE ABOUT THE ARREST AND DETENTION WITHOUT TRIAL OF POLITICAL FIGURES HERE FOR PROTESTING AGAINST ELECTIONS UNDER THE NEW CONSTITUTION.

4. PIK BOTHA ASKED IF WE NOW REGARDED THE CONSULATE AS CLOSED. HE HAD HEARD A RUMOUR TO THIS EFFECT YESTERDAY. THE SOUTH AFRICAN GOVERNMENT REGARDED THE CONTINUED PRESENCE OF THE THREE AT THE CONSULATE AS ILLEGAL. BRITAIN WAS ACTING CONTRARY TO INTERNATIONAL LAW AND WAS PREVENTING SOUTH AFRICAN LAW FROM BEING ENFORCED. WE SHOULD NOT ALLOW THE MAN TO STAY ANY LONGER. TO ALL THIS I REPLIED ON THE LINES OF THE STATEMENT RELEASED IN LONDON ON SUNDAY AS AMPLIFIED BY MR RIFKIND'S STATEMENT YESTERDAY.

5. THIS BROUGHT PIK BOTHA TO THE MAIN BURDEN OF HIS CRITICISM OF MR RIFKIND'S STATEMENT, NAMELY THE ACCOUNT OF THE COURT'S FINDINGS AND THE REFERENCE TO SOUTH AFRICA'S ALLEGED BREACH OF FAITH. MR CARMAN QC, WHO HAD REPRESENTED SOUTH AFRICA AT COVENTRY, HAD SPOKEN TO BOTHA AFTER THE COURT HEARING. HE HAD BEEN TOLD BY CARMAN THAT THE COURT HAD BEEN SYMPATHETIC TO THE SOUTH AFRICAN CASE. "YOUR GOVERNMENT HAS EMERGED IN A POSITIVE LIGHT". BOTHA COULD NOT UNDERSTAND THEREFORE HOW MR RIFKIND HAS MISREPRESENTED THE POSITION IN THE HOUSE OF COMMONS. IN PARTICULAR THERE WAS NO MENTION IN YESTERDAY'S STATEMENT ABOUT THE COURT EXONERATING MR PELSER AND THE FOUR SOUTH AFRICAN BUSINESSMEN FROM PERSONAL BLAME. NOR HAD OUR STATEMENT EVEN BRIEFLY ACKNOWLEDGED THAT THE SOUTH AFRICAN GOVERNMENT HAD ADVANCED DETAILED REASONS FOR ACTING AS THEY HAD. WE COULD AT LEAST HAVE MENTIONED, LIKE THE COURT, THAT THE SOUTH AFRICAN GOVERNMENT HAD GIVEN ITS REASONS EVEN IF WE HAD FELT OBLIGED TO ADD THAT WE DISAGREED WITH THEM.

6. AT THIS POINT I PRODUCED THE TEXT OF THE NOTE MADE BY THE CLERK OF THE COURT RECORDING THE RELEVANT PARTS OF THE MAGISTRATE'S FINDINGS (YR TEL NO 311). I URGED HIM TO ACCEPT IT AS A MORE DEPENDABLE ACCOUNT THAN THE UNOFFICIAL VERSION GIVEN TO HIM BY SOUTH AFRICA'S LAWYER. AFTER READING IT, THE FOREIGN MINISTER SAID HE WAS PREPARED TO ACCEPT THE COURT'S SUMMING UP ON THAT BASIS. BUT HE INSISTED THAT THE THREE SENTENCES BEGINNING "THE SOLEMN PROMISES" SHOULD BE TAKEN TOGETHER. IT WAS CLEAR, HE CLAIMED, THAT WHEN TAKEN AS A WHOLE THE CHAIRMAN'S SUMMING UP WAS NEUTRAL AS REGARDS THE ACTIONS OF THE SOUTH AFRICAN GOVERNMENT. IT WAS UNREASONABLE OF MR RIFKIND TO HAVE REFERRED SIMPLY TO A BREACH OF FAITH WITHOUT GIVING THE FULLER BACKGROUND.

7. I COUNTERED THAT THE COURT COULD BE SAID TO HAVE BEEN NEUTRAL AS TO THE REASONS WHY THE SOUTH AFRICAN GOVERNMENT HAD ACTED AS IT DID. BUT IS WAS FAR FROM BEING NEUTRAL ON THE POINT THAT SOLEMN PROMISES AND UNDERTAKINGS HAD BEEN BROKEN. ON THIS CENTRAL ISSUE MR RIFKIND'S STATEMENT YESTERDAY WAS FULLY JUSTIFIED.

8. PIK BOTHA SAID HE STILL DID NOT UNDERSTAND OUR STATEMENT WHICH



8. PIK BOTHA SAID HE STILL DID NOT UNDERSTAND OUR STATEMENT, WHICH HE DESCRIBED AS ONE-SIDED AND UNJUSTIFIED. IT FAILED TO DEAL WITH THE DETAILED ARGUMENTS WHICH THE SOUTH AFRICAN GOVERNMENT HAD ADVANCED AND TO WHICH WE HAD STILL NOT RESPONDED. MANY PEOPLE IN SOUTH AFRICA HAD COME TO THE CONCLUSION THAT BRITAIN WAS BEING VINDICTIVE, THAT WE WERE NOT PREPARED TO LISTEN TO REASON AND THAT WE HAD MADE UP OUR MINDS TO PUNISH THE SOUTH AFRICAN GOVERNMENT. WE COULD AT LEAST HAVE WAITED FOR THE PROMISED REPLY FROM THE PRESIDENT TO MRS THATCHER BEFORE SPEAKING OUT AS WE HAD.

9. I POINTED OUT AS AT OUR LAST MEETING (MY TEL NO 537) THAT THE PRIME MINISTER HAD DEALT WITH THE ARGUMENTS ABOUT INTERNATIONAL LAW AND OUR REASONS FOR ALLOWING THE MEN TO STAY IN THE CONSULATE IN HER RECENT LETTER. PIK BOTHA ACKNOWLEDGED THIS. I SAID THAT YESTERDAY'S STATEMENT IN PARLIAMENT WAS A CAREFUL AND BALANCED ACCOUNT OF THE SITUATION AS WE SAW IT. ITS STERN WORDS SHOULD HAVE COME AS NO SURPRISE AFTER MR RIFKIND'S MEETING WITH THE SOUTH AFRICAN AMBASSADOR LAST WEEK.

10. BOTHA RESPONDED THAT THE BRITISH GOVERNMENT SEEMED SET ON CONFRONTATION WITH THE SOUTH AFRICAN GOVERNMENT. HE HOPED HE WAS WRONG. THE SOUTH AFRICANS HAD NO WISH TO EXACERBATE THE SITUATION. PRESIDENT BOTHA WAS LIKELY TO DEVOTE A PART OF A SPEECH IN THE ORANGE FREE STATE ON THURSDAY EVENING TO THESE MATERS, ALTHOUGH PIK BOTHA HOPED HE WOULD NOT SAY ANYTHING WHICH MIGHT CAUSE US FRESH PROBLEMS. BUT WE SHOULD REMEMBER THAT THROWING STONES THROUGH A WINDOW COULD CAUSE GLASS TO FALL ON BOTH SIDES. DID WE MEAN TO GO ON MAKING STRONG STATEMENTS SUCH AS YESTERDAY'S ?

11. HE THEN ASKED WHETHER WE MIGHT NOT LET THE SOUTH AFRICAN GOVERNMENT KNOW QUIETLY WHAT OUR INTENTIONS WERE AND HOW WE SAW RELATIONS DEVELOPING. HE SUGGESTED SEPARATING TWO STRANDS IN OUR EXCHANGES. ONE WAS THE ARGUMENT ABOUT EACH SIDE'S REASONS FOR ITS ACTIONS UNDER INTERNATIONAL LAW ETC, EVEN THOUGH WE MIGHT NOT SUCCEED IN CONVINCING ONE ANOTHER. THE SECOND STRAND SHOULD BE A PRIVATE EFFORT BY EACH SIDE TO EXPLAIN TO THE OTHER HOW IT EXPECTED TO PROCEED IN THE LIGHT OF CURGENT DIFFERENCES. HE ASKED ME SPECIALLY TO PASS ON THIS SUGGESTION TO YOU.

12. THE INTERVIEW LASTED OVER AN HOUR AND A HALF. IN THE COURSE OF IT, MR BOTHA TOUCHED ON VARIOUS TOPICS WHICH HE ADDUCED IN SUPPORT OF HIS MAIN ARGUMENTS. I AM NOT ATTEMPTING TO REPORT THESE IN DETAIL, BUT THEY INCLUDED THE UK ARMS EMBARGO, THE ANC OFFICE IN LONDON, BUSINESS CONFIDENCE IN UK/SOUTH AFRICA TRADE, AND OUR USE OF TRANSIT FACILITIES AT CAPE TOWN IN CONNECTION WITH THE FALKLAND ISLANDS.

13. AT THE END HE REVERTED TO THE JUNE MEETING AT CHEQUERS WITH THE PRIME MINISTER. HE AND P W BOTHA HAD FELT THAT WHILE MRS THATCHER DISAGREED WITH CERTAIN SOUTH AFRICAN POLICIES, SHE WAS PREPARED TO ASK QUESTIONS AND TO LISTEN. PIK BOTHA DID NOT HAVE THE SAME FEELING ABOUT OUR REACTION YESTERDAY. HE AGAIN URGED THAT WE SHOULD ALLOW THE SITUATION TO COOL AND SHOULD SHOW GREATER UNDERSTANDING FOR THE FACT THAT THE SOUTH AFRICAN GOVERNMENT, LIKE OURSELVES, FACED A DILEMMA AND HAD POLITICAL CONSTRAINTS OF THEIR OWN TO CONSIDER.



14. MY IMPRESSION IS THAT PIK BOTHA NOT ONLY WANTED TO EXPRESS STRONG DISAGREEMENT WITH OUR POSITION WHILE STICKING AS FIRMLY AS EVER TO HIS OWN GUNS (IF I MAY USE THIS METAPHOR), BUT ALSO SEEMED TO BE LOOKING FOR A WAY OF RE-ESTABLISHING A BETTER DIALOGUE. SHOULD YOU SEE VALUE IN THIS, I HOPE I CAN BE AUTHORISED TO RESPOND TO HIS REQUEST FOR SOME FURTHER PRIVATE INDICATION OF HOW WE SEE THE SITUATION DEVELOPING.

15. ALTHOUGH FIRII, HE WAS FRIENDLY. HE ASKED ME TO SEND HIS REGARDS TO YOURSELF AND TO MR RIFKIND. SOMEWHAT TO MY SURPRISE HE ALSO COMMENTED FAVOURABLY ON OUR EXPLANATION OF VOTE YESTERDAY IN NEW YORK DURING THE SECURITY COUNCIL DEBATE ON SOUTH AFRICA AS AN ENCOURAGING MOVE.

MOBERLY

RHMN





South African Embassy

Trafalgar Square  
LONDON WC2N 5DP

Original of  
a letter already  
delivered.

257x.

22 October 1984

Mr Charles Powell,  
No. 10 Downing Street  
London SW1

Dear Mr Powell,

I am enclosing a letter addressed to the  
Rt. Hon. Margaret Thatcher, MP.

The content of this letter, which is from  
the South African State President, was  
conveyed to the Prime Minister on 15  
October under a cover letter from the  
Ambassador, Dr Denis Worrall.

Yours sincerely  
L H Evans

L H Evans  
Minister





JEVSC  
CFO

10 DOWNING STREET

From the Private Secretary

20 October 1984

SITUATION AT THE DURBAN CONSULATE

Thank you for your letter of today on this subject. I have discussed the Foreign Secretary's advice with the Prime Minister.

The Prime Minister agrees that we should move immediately to put the Consulate on a minimal operational basis as described in paragraph 6 of your letter (i.e. Option B), and that we should inform the three men and the South African Government of our decision.

The Prime Minister also agrees that we shall have to register our displeasure over the failure of the South Africans to return the four men involved in the Armscor case. But she does not think that this should extend to expulsion of the member of the South African Embassy who stood surety for them. She believes that this would only provoke the South Africans to expel a member of our Embassy in Pretoria, or to retaliate in some way against our trade, or perhaps take forcible action against the Consulate. Her view is that she would make a strong statement of our displeasure in Parliament, and might at the same time say privately to the South Africans that it would be better if Mr. Pelsler were to be re-assigned quite shortly.

(C.D. POWELL)

L.V. Appleyard, Esq.,  
Foreign and Commonwealth Office.

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JSC





10 DOWNING STREET

Prime Minister.

These are very much political questions of how much the market can bear.

I think Option B is probably wise, though we may still be forced back to Option A in the end.

I am much more doubtful about expelling Mr. Relsor, which will certainly lead to a sharp deterioration in relations with S. Africa. Would not a highly critical statement in Parliament be enough?

C.D.D.



If we expect Dr. Palmer  
the S. Mission will either  
expect one of our people  
(which would be very  
dangerous to us and to  
our work )

or close the  
consulate forthwith.

It would be best quickly  
to get the S.A. to withdraw  
Dr. Palmer.  
me



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Foreign and Commonwealth Office

London SW1A 2AH

20 October 1984

C D Powell Esq  
10 Downing Street  
LONDON

Prime Minister

Agree to:

(i) Option B as regards the Consulate

(ii) expulsion of Mr. Pelsler

(iii) statement on Monday to pre-empt a PNP?

Dear Powell,

SITUATION AT THE DURBAN CONSULATE

CDP 207K

1. As you know, the situation at the Consulate has changed considerably in the last 48 hours following the visit of Mr Donald Anderson to Durban.

2. On 18 October the three men inside the Consulate issued a statement (copy attached) which made a series of demands on both the South African and British Governments. In the case of HMG we were urged, inter alia, to desist from exerting any pressure on the three or offering any advice for them to leave the Consulate, and to accord them a status other than that of "unwelcome guests".

3. Lord Trefgarne made a statement in the House of Lords yesterday, which was amplified in a statement by the FCO spokesman. I enclose the text. As you will see, we have described the demands of the three as unacceptable, and have said that we are considering what further action we might take.

4. The Foreign Secretary considers that the statement issued by the three marks a substantial change in the situation. It follows previous incidents at the Consulate involving illicit photography and a broadcast (subsequently used by ITN). These quite clearly put us in breach of international law through allowing the premises to be used for political purposes. The Foreign Secretary believes that we cannot allow such a situation to continue, much less accede to any of the demands which the three have put to us. He has identified two possible options for further action at this stage. These two are set out in an annex with a list of the pros and cons in each case.

5. The demands made of us by the three would give us grounds for pursuing Option A - immediate closure of the Consulate. This course would have the advantage of resolving the situation forthwith; putting us back on firm legal ground; and paving the way for restoring our relations with the South Africans. But it would

/undoubtedly

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undoubtedly lead to a major confrontation with the Opposition, the Anti-Apartheid Movement, and its supporters both at home and abroad, on the grounds that we had gone back on our original statement in the reply to Mr Kinnock that we would not compel the three to leave against their wishes. Reactions both in the UK and elsewhere would be extremely vehement, particularly if the three resisted arrest by the South African authorities and were carried away by force. We would, of course, argue that the situation had changed fundamentally and that our position had become untenable through the behaviour of the three. That is right, but the Foreign Secretary thinks that events have not yet moved far enough to justify this final step.

*Amend  
Mr* 6. For all these reasons, the Foreign Secretary prefers Option B. This would mean moving immediately to put the Consulate on a minimal operational basis. We would set up a strict regime which would not permit any visitors (other than doctors in the case of a medical emergency) to see the three. Although this would be seen as a harsh regime, it would in the Foreign Secretary's view be justified given the behaviour of the three. A more relaxed regime under which families and lawyers were permitted access would differ very little from the present step-by-step approach. It would lay us open to constant embarrassment as the three sought to maintain their propaganda campaign. This stricter regime, which the Foreign Secretary prefers, would greatly reduce the ability of the three to generate publicity which is essential to their cause. It would not, of course, prevent their supporters from using the three as a rallying point, but it might well hasten the departure of the three from the Consulate. The new regime would be introduced with a warning to the three that if they persisted in inviting publicity themselves, we would consider very seriously moving to closure of the Consulate. It would, of course, be important to stick to the regime.

7. A related problem, which is not for decision yet, is that of the Coventry four. The hearing will take place on Monday 22 October. We cannot be sure that it would be completed in a single day, or that the judgement would be announced on that day. It seems clear that the South Africans have taken an irrevocable decision not to return the four for these proceedings. We shall obviously need to see the precise terms of the magistrates' ruling. Assuming that the four do not appear, the Foreign Secretary thinks it will be necessary for us to register our displeasure by a direct and public action. He acknowledges that any step we take is likely to lead to retaliation by the South Africans. This could affect our wider relations, for example, in the commercial field. He believes that our position in Parliament will otherwise appear extremely weak. In his view, the least unattractive

/of





of the available options would be to expel Mr Andre Pelsler, the First Secretary who stood surety for the four. We shall consult you again on this point when the result of the Coventry hearing is known.

8. On timing, the Foreign Secretary considers that we must make further decisions very soon. The statement put out yesterday is of an interim nature and a further statement will be expected. The Foreign Secretary also sees advantage in taking action in time for the Coventry magistrates to be informed before they reach a decision. The steps we are proposing to take should help to demonstrate to them that we have dealt effectively with the South African complaint (which was justified) that the Consulate had been used for the dissemination of political propaganda. He therefore proposes that, provided the necessary arrangements can be made in time at the Consulate, we should inform the three and the South African Government of our decision either this evening or Sunday morning. He suggests that we should also make a statement to the House on Monday 22 October (not least in order to pre-empt Mr Anderson, who has told us he will be tabling a PNQ on Monday). The option of dealing with the court case and the Consulate problem in one statement on a later day cannot be relied upon, since we do not know when the court case will end. Nevertheless, a further statement later in the week would be necessary when we decide that action should be taken against the South Africans in the light of the Coventry hearing.

[They can]

9. A further complicating factor is that the Security Council is currently discussing the recent violence in South Africa. There will be a resolution strongly condemning the South African Government. The timing of this is by no means clear but the vote will probably be on 22 October. We have not yet taken a position on how we shall vote.

10. Sir Geoffrey Howe would be grateful to know whether the Prime Minister agrees to action on the lines of Option B.

for L V Appleyard  
Private Secretary



GRS 2000  
UNCLASSIFIED  
DESKBY 181230Z  
FM PRETORIA 181125Z OCT 1984  
TO IMMEDIATE FCO  
TELNO 534 OF 18TH OCT 1984

(A)

MY TEL NO 532 AND CONVERSATION ARCHER/CURRAN: DURBAN

1. FOLLOWING IS TEXT OF LETTER DELIVERED TO BRITISH CONSULATE  
DURBAN BY ADVOCATE YACOOB THIS MORNING:

TOP COPY

BEGINS

THE AMBASSADOR  
BRITAIN  
C/O BRITISH CONSULATE  
DURBAN

SIR

RE: MESSRS GUMEDE, NAIR AND DAVID

IN RESPONSE TO YOUR REQUEST FOR A DECISION WITH REGARD TO THE  
VOLUNTARY DEPARTURE OF OUR CLIENTS FROM THE BRITISH CONSULATE,  
WE ENCLOSE HERewith A COPY OF THE STATEMENT BY OUR 3 CLIENTS.

WE DRAW YOUR ATTENTION TO PARAGRAPH 8.2 OF THE STATEMENT WHICH  
LISTS OUR CLIENTS' CURRENT DEMANDS OF THE BRITISH GOVERNMENT.

WE RECORD THAT OUR CLIENTS HAVE AT ALL TIMES ATTEMPTED TO ASSIST  
YOUR GOVERNMENT IN SECURING THE RETURN OF THE QUOTE COVENTRY  
& UNQUOTE AND WILL CONTINUE ENDEAVOURING TO DO SO.

WE TRUST THAT NOTHING WILL PRECIPITATE ANY PUNITIVE ACTION BY  
YOUR GOVERNMENT AGAINST MY CLIENTS OR THEIR FAMILIES BY, FOR  
EXAMPLE, RESTRICTING FAMILY VISITS.

WE REITERATE OUR CLIENTS' REQUEST, IN PARAGRAPH 9 OF THE STATEMENT,  
TO MEET WITH THE BRITISH AMBASSADOR AND AWAIT YOUR URGENT RESPONSE.

YOURS FAITHFULLY  
YUNUS MAHOMED AND ASSOCIATES

ENDS

2. FOLLOWING IS TEXT OF ENCLOSED STATEMENT:-

BEGINS

STATEMENT BY A J GUMEDE, BILLY NAIR AND PAUL DAVID WHO ARE  
PRESENTLY IN THE BRITISH CONSULATE IN DURBAN

/18.



18 OCTOBER 1924

1.

WE IN THE DURBAN CONSULATE OF THE BRITISH GOVERNMENT HAVE DECIDED THAT THE MOMENT HAS NOW ARRIVED FOR US TO REVEAL TO THE WORLD THE KURRENT POSITION ON OUR CONTINUED STAY AT THE CONSULATE AND TO DISCLOSE THE CONDITIONS UNDER WHICH WE WOULD LEAVE THESE PREMISES OLUNTARILY.

2.

THE 6 OF US, A J GUMEDE, BILLY NAIR, PAUL DAVID, C SEWERSHAD, M J NAIDOO AND MEWA RAMGOBIN ENTERED THE BRITISH CONSULATE IN ORDER TO CHALLENGE THE NOTORIOUS DETENTION-WITHOUT-TRIAL WITH THE ASSISTANCE OF A FOREIGN GOVERNMENT WHICH HAD A PUBLICLY STATED OPPOSITION TO APARTHEID AND TO DETENTION-WITHOUT-TRIAL. THIS WOULD NOT HAVE BEEN POSSIBLE HAD WE BEEN IN PRISON, AS DETAINEES CANNOT BE QUOTED.

3.

WE TAKE THIS OPPORTUNITY TO REMIND THE WORLD THAT, AT THAT TIME THE NATAL PROVINCIAL DIVISION OF THE SUPREME COURT HAD DECLARED INVALID DETENTION NOTICES ISSUED BY THE MINISTER OF LAW AND ORDER. NOTWITHSTANDING THIS, THE MINISTER DEFIANTLY ISSUED NEW NOTICES AGAINST US.

4.

DURING OUR STAY IN THE CONSULATE NUMEROUS EVENTS OF A GRAVE AND ALARMING NATURE WITH FAR REACHING CONSEQUENCES HAVE OCCURRED:

- 4.1 THE MINDLESS IMPLEMENTATION OF UNFAIR GOVERNMENT POLICIES IN RESPECT OF RENTS, G.S.T. AND EDUCATION IS THE DIRECT CAUSE OF DEATH AND DESTRUCTION OF IMMENSE PROPORTIONS IN THE VAAL TRIANGLE.
- 4.2 THE REPUDIATION BYTHE SOUTH AFRICAN GOVERNMENT OF A SOLEMN PLEDGE TO A BRITISH COURT TO RETURN 4 PERSONS WHO HAVE BEEN CHARGED WITH THE CRIME OF SMUGGLING ARMS AND OTHER MILITARY EQUIPMENT.
- 4.3 THE CULMINATION OF A SUSTAINED AND CONCENTRATED CAMPAIGN AGAINST THE UNITED DEMOCRATIC FRONT IN A BELLIGERENT ASSAULT BY LE GRANGE, RAISING THE REAL POSSIBILITY OF AN IMMINENT BANNING OF THIS PEACEFUL FRONT OF THE PEOPLE.
- 4.4 DISHONOURING BY THE SOUTH AFRICAN GOVERNMENT OF ITS PUBLIC COMMITMENTS NOT TO ARREST ANYONE OF US IN THE VICINITY OF THE CONSULATE IN ORDER NOT TO EMBARRASS THE BRITISH GOVERNMENT.
- 4.5 DESPITE THE INTERNATIONAL ATTEMPTS TO DISSUADE THE SOUTH AFRICAN GOVERNMENT OUR 3 COLLEAGUES WERE ARRESTED OUTSIDE THE BRITISH CONSULATE.



4.6 THE SANCTIONING BY JUDGMENT OF THE SUPREME COURT OF MINISTER LE GRANGE'S UNFETTERED AND ARBITRARY RIGHT TO DETAIN WITHOUT TRIAL FOR NO JUSTIFIABLE REASON. WE CHALLENGE THE CORRECTNESS OF THIS JUDGEMENT AND HAVE MADE AN APPLICATION FOR LEAVE TO APPEAL TO THE HIGHEST COURT OF THIS LAND.

5. CONCURRENT WITH THE ABOVE EVENTS CERTAIN OTHER IMPORTANT DEVELOPMENTS HAVE TAKEN PLACE:

5.1 IMMEDIATELY AFTER WE ENTERED THE BRITISH CONSULATE THE MINISTER STATED THAT HE WAS WILLING TO CONSIDER REPRESENTATIONS FROM ALL OF US IN RESPECT OF OUR DETENTION ORDERS.

5.2 IN RESPONSE TO OUR REQUEST TO WITHDRAW THESE DETENTION ORDERS THE MINISTER REFUSED TO DO SO WITHOUT AFFORDING ANY REASONS, AND ADDED THAT HE WOULD DECIDE ABOUT THE WITHDRAWAL OF THE NOTICES AFTER JUDGEMENT IN THE APPLICATION TO THE SUPREME COURT. HIS DECISION HAS NOT BEEN CONVEYED TO US TO DATE.

5.3 DESPITE REPEATED REQUESTS, THE MINISTER REFUSED TO FURNISH ANY FULL AND PROPER REASONS OR INFORMATION WHICH HAD CAUSED HIM TO ISSUE THESE NOTICES AGAINST US.

5.4 IT THEREFORE BECAME IMPOSSIBLE FOR US TO MAKE ANY SUBSTANTIAL AND MEANINGFUL REPRESENTATION, THUS MAKING AN ABSOLUTE MOCKERY OF THE INVITATION TO MAKE REPRESENTATION.

5.5 THE UNITED NATIONS SPECIAL COMMITTEE ON APARTHEID HAS INVITED US TO GIVE EVIDENCE BEFORE IT IN NEW YORK ON THE CURRENT CRISIS IN THE COUNTRY.

6. HAVING CAREFULLY CONSIDERED ALL THE CIRCUMSTANCES WE MUST IN THE INTEREST OF PEACEFUL CHANGE ASK OF THE SOUTH AFRICAN GOVERNMENT TO:

6.1 STOP ALL POLICE VIOLENCE IN THE VAAL TRIANGLE AND OTHER SIMILARLY AFFECTED AREAS.

6.2 MEET THE DEMANDS OF THE PEOPLE IN THE VAAL TRIANGLE.

6.3 IMMEDIATELY RETURN THE CONVENTRY 4 TO FACE TRIAL.

6.4 CEASE ALL ACTS OF DENIGRATION AND THREATS AGAINST THE UNITED DEMOCRATIC FRONT.

6.5 REMOVE THE THREAT OF BANNING THE UNITED DEMOCRATIC FRONT.

6.6 UNDERTAKE TO SCRAP DETENTION WITHOUT TRIAL.



7.  
WE WILL LEAVE THE BRITISH CONSULATE IMMEDIATELY AND VOLUNTARILY  
IF:

7.1 ALL SECTION 28 NOTICES ARE WITHDRAWN.  
OR

7.2 LE GRANGE UNDERTAKES TO REMOVE ALL NAMES PLACED UPON  
THE CONSOLIDATED LIST IN TERMS OF SECTION 16 (THE  
SILENCING PROVISION) ARISING OUT OF SECTION 28  
DETENTIONS IMMEDIATELY THESE NAMES ARE PLACED ON THE  
LIST.

HE FURTHER UNDERTAKES NOT TO INVOKE THE PROVISIONS OF  
SECTION 34 OF THE ACT TO BAN ATTORNEYS FROM PRACTISING.

LE GRANGE PROVIDES FULL AND PROPER REASONS TO ENABLE ALL  
6 OF US TO MAKE SUBSTANTIAL AND MEANINGFUL  
REPRESENTATION AIMED AT PERSUADING THE SOUTH AFRICAN  
GOVERNMENT TO WITHDRAW ALL NOTICES.

OR

7.3 THE SOUTH AFRICAN GOVERNMENT GUARANTEES THAT WE WILL  
RECEIVE OUR PASSPORTS AND BE ALLOWED TO GO TO THE  
UNITED NATIONS IN NEW YORK FOR THE PURPOSE OF APPEARING  
BEFORE THE SPECIAL COMMITTEE ON APARTHEID. WE FURTHER  
REQUIRE THE GUARANTEE THAT WE WILL NOT BE PREVENTED  
FROM RETURNING TO OUR COUNTRY TO CONTINUE THE STRUGGLE  
FOR PEACE, JUSTICE AND FREEDOM FOR ALL SOUTH AFRICANS,

THE EXECUTIVE OF THE NATAL INDIAN CONGRESS IS PREPARED  
TO PROVIDE ANY REASONABLE SURETY TO GUARANTEE OUR  
RETURN. IF THE SOUTH AFRICAN GOVERNMENT SO REQUIRES,  
3 OF OUR COLLEAGUES WILL OFFER THEMSELVES FOR DETENTION  
FROM THE DATE OF OUR DEPARTURE UNTIL OUR RETURN.

8.  
TO FACILITATE OUR VOLUNTARY DEPARTURE FROM THE CONSULATE,  
CONSTRUCTIVE ACTION ON THE PART OF CERTAIN GOVERNMENTS, AGENCIES  
AND ORGANISATIONS IS REQUIRED, NAMELY :

8.1 THE SOUTH AFRICAN GOVERNMENT IS REQUIRED TO CONSIDER  
THIS MATTER CAREFULLY AND TO MAKE ITS DECISIONS KNOWN  
URGENTLY.

8.2 WE REQUEST THE BRITISH GOVERNMENT TO :

8.2.1 INDICATE TO US URGENTLY WHICH OF OUR DEMANDS THEY FIND  
UNREASONABLE.

8.2.2 ACCORD TO US A STATUS OTHER THAN THAT OF QUOTE UNWELCOME  
GUESTS UNQUOTE.

8.2.3 DESIST FROM EXERTING ANY PRESSURE UPON US OR OFFERING  
ANY ADVICE TO US TO LEAVE THE CONSULATE, UNTIL THE  
SOUTH AFRICAN GOVERNMENT MEETS ONE OF OUR DEMANDS.



8.2.4 TO TRANSLATE ITS MERE VERBAL CONDEMNATION OF  
DETENTION-WITHOUT-TRIAL AND THE APARTHEID  
SYSTEM INTO POWER AND EFFECTIVE ACTION WHICH  
WE BELIEVE IS WELL WITHIN THE MIGHT OF HER MAJESTY'S  
GOVERNMENT.

8.3 WE RECORD OUR EXTREME DISPLEASURE AT THE UNASHAMED AND  
IMMORAL REFUSAL OF THE UNITED STATES GOVERNMENT TO  
ASSIST UNLESS OUR VERY LIVES ARE THREATENED BY A QUOTE  
MOB UNQUOTE. WE CHALLENGE THE AMERICAN GOVERNMENT  
TO RECONSIDER OUR REQUEST AND USE ITS NOT INCONSIDERABLE  
INFLUENCE TO ENSURE A JUST RESOLUTION.

8.4 WE CONDEMN THE CONSPIRATORIAL SILENCE OF THE FRENCH AND  
GERMAN GOVERNMENTS IN THE FACE OF OUR URGENT APPEAL.

8.5 WE URGE ALL ORGANISATIONS, AGENCIES AND POLITICAL  
PARTIES TO SUPPORT THE DEMANDS CONTAINED IN THIS  
MEMORANDUM BY WORD AND ACTION.

9.  
WE ARE MINDFUL OF THE INCONVENIENCE AND DISCOMFORT CAUSED TO THE  
KONSULAR AND EMBASSY STAFF OF THE BRITISH GOVERNMENT BY OUR  
PRESENCE IN THE CONSULATE. WE ARE NOT INSENSITIVE TO THE  
INCONVENIENCE CAUSED BY THE CLOSURE OF THE CONSULAR OFFICES.  
IN AN EFFORT TO ALLEVIATE THESE DIFFICULTIES WE WISH TO MEET WITH  
THE BRITISH GOVERNMENT URGENTLY AT THE HIGHEST POSSIBLE LEVEL.

ENDS

2. THE STATEMENT HAS BEEN RELEASED TO THE PRESS. WE EXPECT THAT THE  
TEXT OF THE LETTER WILL ALSO BE MADE PUBLIC.

MOBERLY

[COPIES SENT TO NO 10 DOWNING STREET]

SOUTHERN AFRICA

STANDARD(PALACE)

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MR J R J JOHNSON

CABINET OFFICE

ADDITIONAL DISTRIBUTION

SOUTHERN AFRICA



Durban

Spokesman, recalling that yesterday he had been unable to say when FCO Minister of State, Mr Malcolm Rifkind and Mr Donald Anderson MP would be able to meet, said they had however met late yesterday evening for 30 minutes.

He said "They discussed the situation in the Durban Consulate. Mr Rifkind was interested to hear from Mr Anderson his impressions of his recent visit to South Africa". Spokesman then read out the following statement:

"We have received a statement issued by Messrs Gumede, Nair and David, the three South African citizens staging a sit-in in the British Consulate in Durban.

We made clear from the beginning of this problem that while, for humanitarian reasons, we would not require them to leave against their will, we hoped they would leave voluntarily. Since 8 October, when the Natal Supreme Court rejected the application for the invalidation of the detention orders, we have strongly advised the remaining three to leave. The increasing disruption of the Consulate's work is becoming intolerable.

We must emphasise now that HMG cannot countenance any demands from the three; nor can we accept any conditions for their departure. We have always said that we cannot act as intermediaries with the South African Government. It would also be quite improper for us to intervene in the legal processes of South Africa, however much we may disapprove of them.

We have also stressed to the three that the use of the Consulate's premises to make political statements is unacceptable. Following the clandestine ITN interview of 7 October we sought an assurance that there would be no repetition of such incidents. Such an assurance has not been forthcoming. The issue of this latest statement represents a further instance of such abuse of our premises. We take a very grave view of it. We are urgently considering its implications."

Spokesman added that Lord Trefgarne had made a similar statement in the House of Lords today in reply to a question. This statement read:



'We made clear that we would not require the three South African citizens in the Consulate to leave against their will. However, our mission in Durban is one of the smallest in the Diplomatic Service and the problems created by the sit-in are immense and increasing. The increasing disruption of the Consulate's work is becoming intolerable. We have therefore strongly urged the three to leave voluntarily.

We have stressed to the three that the use of the Consulate's premises to make political statements is unacceptable. We sought an assurance that there will be no repetition of the clandestine ITN interview of 7 October. Such an assurance has not been forthcoming. Yesterday's statement by the three is a further instance of the abuse of our premises. We take a grave view of it. We are urgently considering its implications. We must emphasise now that HMG cannot countenance any demands from the three; nor can we accept any conditions for their departure.'

Replying to questions, spokesman said the accumulative effect of the sit-in was resulting in a serious disruption of the Consulate's normal commercial, consular, political and aid work.





ANNEX

OPTION A

Immediate closure (office to close down so that inviolability of the premises will lapse and the three will no longer be protected). Could be justified on the grounds that the list of demands issued by the three, coupled with their earlier refusal to give an assurance about future conduct, changes the situation fundamentally and justifies our asking them to leave.

PROS:

- Resolves the problem finally.
  
- Will be welcomed by the South Africans and offers prospect of restoring the bilateral relationship.
  
- Limits the legal damage and thus the likelihood of similar incidents at our diplomatic premises elsewhere.
  
- If done before 22 October, would much improve our position in the Coventry Magistrates' Court and undermine the South African position.

CONS:

- Bad media publicity (?TV) covering South African Police coming to arrest the three.
  
- Would lead to a major row with the Opposition, the Anti-Apartheid Movement and its supporters, on the grounds that the Government had reneged on its commitment not to require the three to leave against their will.
  
- Row would have international dimension.

/Fierce





Fierce criticism at the UN. We might need to veto resolution critical of us in the Security Council.- Possible loss of support from the African bloc over Falklands vote. Nigerians unpredictable as always but could take action against British interests.

#### OPTION B

Place Consulate on a minimal operational basis immediately and permit the three no visitors (including lawyers and families). Access to be controlled by UK-based security guard, with one junior DS officer to deal with residual work and unavoidable enquiries. No closure of Consulate at any stage (unless the situation changes, e.g. as a result of further unacceptable behaviour by the three).

#### PROS:

- Avoids a major row now.
- Allows time for the three to leave of their own accord, (or for the South African authorities to take them by force - though this seems unlikely).
- Helps us legally since opportunities for propaganda by the three would be considerably reduced.
- Might also help in limiting damage to bilateral relations, though the fact that the Consulate remained open makes this doubtful.
- If the three continued to cause trouble it would be easier to justify moving to closure of the Consulate.

#### CONS:

- Strong criticism from Anti-Apartheid Movement and its supporters over decision to refuse access,  
/though





though such criticism will be significantly less than would be the case if we evicted the three. This would be a continuing problem arising every time a prominent visitor wished to enter the Consulate.

- Basic legal difficulty would remain (though absence of propaganda would help). So too would tension in the bilateral relationship.
- Strict regime could be difficult to enforce. There would be practical difficulties. The three would probably try to smuggle out propaganda.
- Some additional costs, eg we would need at least two UK-based security officers on a shift basis.
- The situation might have to continue for a long time, possibly months.





scpc JIP

10 DOWNING STREET

*From the Private Secretary*

16 October 1984

DURBAN CONSULATE

I attach a copy of a further message to the Prime Minister from President Botha. It does not appear to warrant a reply.

(C.D. POWELL)

C.R. Budd, Esq.,  
Foreign and Commonwealth Office.





file LPO  
CCFCO

10 DOWNING STREET

THE PRIME MINISTER

15 October 1984

**PRIME MINISTER'S  
PERSONAL MESSAGE  
SERIAL No. 1174/84**

*Dear Prime Minister,*

Thank you for your letter of 27 September about the six men who sought refuge in our Consulate in Durban.

As you will appreciate, this has been a difficult problem. Humanitarian considerations have weighed heavily in our thinking and were a major factor in our decision at the outset that we would not require the six men to leave against their will. We also bore in mind that detention orders had been issued against the men and that the validity of those orders was then being tested in the Natal Supreme Court.

As you know, three of the men left the Consulate before the Court gave its decision on 8 October upholding the detention orders. We have explained to the three remaining in the Consulate that our position on eviction has not changed. But we do believe that all that could reasonably be done has been done and that we cannot countenance an indefinite stay which is seriously disrupting the work of the Consulate. It is also difficult to see what useful purpose is served by their remaining.

You mentioned the outcome of the recent elections in South Africa. I fully accept that the new Constitution is seriously flawed by the absence of any provision for the Black majority. Its racial nature is contrary to our democratic traditions and beliefs and it is clearly unacceptable to many of the Indian, Coloured and White communities, as well as to Blacks. Nevertheless, it does represent some movement in political thinking in South Africa. The Coloured and Indian leaders in the new

/Parliament

881



Parliament say that they are committed to achieving changes for the Black majority as well as for their own communities. I do not know if such changes can be achieved. But I believe it would be wrong to do anything that might impede such a development. For these reasons we have refrained from condemning the new arrangements outright and decided to give them the test of time. I assure you that I shall be following this process closely.

Warm regards,

Yours sincerely

Raymond D. Lister

---

Her Excellency Shrimati Indira Gandhi.



PRIME MINISTER'S  
PERSONAL MESSAGE

SERIAL No. T 173/84

cc MASTER  
OPS



Union Buildings  
Pretoria

15 October 1984

Dear Prime Minister

Thank you for your letter of 10 October 1984.

There are a number of matters raised in your letter, Prime Minister, which cause me and my Government serious concern. The continued refusal of your Government seriously to address the representations of the South African Government, particularly, those relating to the improper use of the British Consulate in Durban, has already necessitated an act of reprisal which, I can assure you, was taken only after painstaking deliberation. Eminent Counsel in Britain have been instructed to set out the case in a British Court on 22 October 1984 for our decision not to require the four South Africans on bail to return to the United Kingdom.

I shall reply in detail soon setting out the reasons for my Government's decision and attaching a legal opinion containing the position in international law.

We would not wish this incident to have a damaging effect on the substance of the important relations between our two countries.

Yours sincerely

P W BOTHA

STATE PRESIDENT OF THE  
REPUBLIC OF SOUTH AFRICA

The Right Honourable Margaret Thatcher MP  
Prime Minister  
10 Downing Street  
LONDON



25 OCT 1964

12-23-64  
12-23-64  
12-23-64





cc PC

15 October 1984

The Rt Honourable Margaret Thatcher, MP  
Prime Minister  
10 Downing Street  
LONDON

Dear Prime Minister

I have been requested by the State President of South Africa to present his compliments to you and to convey the enclosed Personal and Confidential letter to you.

Might I take this opportunity of assuring you of my highest consideration and personal good wishes.

Yours sincerely

A handwritten signature in cursive script that reads "David Worrall".

AMBASSADOR



SOUTHERN AFRICA: ADVANCE COPIES 15

CARTLEDGE  
MR ~~S. GOODALL~~  
CABINET OFFICE

PS

PS/12 RIFKIND

PS/PUS,

PS/NO. 10 DOWNING STREET

MR FERGUSSON

MR. JOHNSON

MR ~~LEANS~~ O'NEILL

ED/SAPD

ED/CAF3

ED/UND

ED/NEWS D

MR. FREELAND LEGAL ADV. Rm. WH216

RESIDENT CLERK

Summary only

CONFIDENTIAL

FM PRETORIA 171307Z OCT 84

TO IMMEDIATE FCO

TELEGRAM NUMBER 527 OF 17 OCTOBER

INFO SAVING JOHANNESBURG

YOUR TELSNO 286 AND 292 : DURBAN

IMMEDIATE

ADVANCE COPY

SUMMARY

1. THE THREE SEEM SET TO STAY ON. WE SEE GROWING DIFFICULTY IN KEEPING THE CONSULATE GOING BEYOND THE END OF NEXT WEEK OR SO.

DETAIL

2. THE NATAL INDIAN CONGRESS HAVE THIS MORNING BEEN BRIEFING THE PRESS TO THE EFFECT THAT THE THREE HAVE DECIDED TO STAY ON IN THE CONSULATE FOR SOME CONSIDERABLE PERIOD. IT APPEARS THAT THEY CAME NEAR TO AGREEING TO WALK OUT YESTERDAY. WE ARE NOT SURE WHY THEY CHANGED THEIR MINDS. IT MAY BE THAT ONE FACTOR IS THAT BISHOP TUTU, FOLLOWING THE AWARD OF THE NOBEL PEACE PRIZE, WILL BE RETURNING TO SOUTH AFRICA LATER THIS WEEK, THUS INTERRUPTING HIS STUDY LEAVE IN THE UNITED STATES. THE NIC HAVE APPARENTLY BEEN TOLD THAT HE WILL CALL AT THE CONSULATE ON 25 OCTOBER TO SEE THE THREE. THIS REMAINS TO BE SEEN BUT IT WOULD GUARANTEE FURTHER INTERNATIONAL PUBLICITY FOR THEIR STAND.

3. AGAINST THIS BACKGROUND THE INSTRUCTIONS IN YOUR TEL NO 292 ARE WELCOME AND TIMELY. DAVEY WILL PROCEED ON LOCAL LEAVE WITH EFFECT FROM THE CLOSE OF BUSINESS ON 19 OCTOBER. WE SHALL TAKE STEPS TO GET MOST COMMERCIAL ENQUIRIES AND ALL CONSULAR ENQUIRIES BY TELEPHONE TRANSFERRED TO JOHANNESBURG WITH EFFECT FROM 22 OCTOBER. WHILE THE OFFICE REMAINS OPEN THERE WILL BE A SMALL TRICKLE OF



BY TELEPHONE TRANSFERRED TO JOHANNESBURG WITH EFFECT FROM 22 OCTOBER. WHILE THE OFFICE REMAINS OPEN THERE WILL BE A SMALL TRICKLE OF CONSULAR ENQUIRIES AT THE RECEPTION AND WE SHALL NEED SUPPORT STAFF TO DEAL WITH THE MANAGEMENT OF THE SITUATION.

4. AS SEEN FROM HERE ONE OF THE STRONGEST ARGUMENTS FOR CLOSING THE CONSULATE COMPLETELY IS THE CURRENT PRESSURE ON OUR STAFF. MUCH OF THIS HAS FALLEN ON OUR CONSUL WHO HAS ONLY HAD SHORT BREAKS AWAY FROM THE PREMISES SINCE 13 SEPTEMBER AND THE DECISION TO GIVE HIM LEAVE WAS OVERDUE. THE REST OF THE STAFF IN DURBAN HAVE BEEN WORKING SUBSTANTIAL OVERTIME WITHOUT ANY OPPORTUNITY TO TAKE COMPENSATORY TIME OFF. THEY ARE ALL TIRED AND VERY ANXIOUS THAT THE PRESENT SITUATION SHOULD BE BROUGHT SPEEDILY TO AN END.

5. REGULAR WORK AT DURBAN HAS ALREADY BEEN SUBSTANTIALLY RUN DOWN IN A POST IN WHICH THERE IS ONLY ONE MEMBER OF THE STAFF FROM THE UNITED KINGDOM, THE CONSUL, BUT IT IS INEVITABLE THAT MUCH OF THE WORK DEPENDS ON HIS OWN CONTRIBUTION. HE HAS EFFECTIVELY BEEN DEALING WITH NOTHING OTHER THAN THE SITUATION SINCE 13 SEPTEMBER. HE HAS UNDERTAKEN NO CALLS OUTSIDE THE CONSULATE. HE HAS BEEN UNABLE TO CONTINUE WITH HIS PROGRAMME OF VISITS OUTSIDE DURBAN. OUR AID PROGRAMME IS IN SUSPENSE. HE HAS NOT BEEN ABLE TO CALL ON BLACK LEADERS OR TO VISIT KWAZULU.

6. TO A LARGE EXTENT ALL THE OTHER ACTIVITIES IN THE CONSULATE HAVE BEEN REDUCED TO A MINIMAL LEVEL. THE VICE-CONSUL (COMMERCIAL) HAS ALSO BEEN PROVIDING ASSISTANCE WITH THE SITUATION IN THE CONSULATE AND HAS NOT BEEN ABLE TO CARRY OUT HIS PLANNED PROGRAMME OF VISITS ALTHOUGH HE HAS PROVIDED SOME ASSISTANCE TO COMMERCIAL VISITORS.

7. WE HAVE BEEN REINFORCING DURBAN BY SENDING STAFF DOWN FROM PRETORIA AND JOHANNESBURG. TWO REINFORCEMENTS WILL BE PRESENT AT THE CONSULATE NEXT WEEK: GREGSON (GRADE 7) JOHANNESBURG AND MCCRUDDEN (GRADE 9) PRETORIA. BUT SUCH REINFORCEMENT CAN ONLY BE DONE AT THE EXPENSE OF CONSIDERABLE INROADS INTO OTHER ASPECTS OF WORK IN SOUTH AFRICA. SO FAR THIS HAS RESULTED MAINLY IN DELAYS TO POLITICAL REPORTING FROM PRETORIA. THE RESOURCES IN JOHANNESBURG FOR SUCH REPORTING WILL BE DEPLETED NEXT WEEK. THERE HAS BEEN A DELAY TO OUR WORK IN THE LABOUR FIELD. THE DURBAN SITUATION HAS ALSO BEEN OCCUPYING A LARGE PART OF THE TIME OF THE SENIOR MEMBERS OF THE CHANCERY WHO HAVE REMAINED IN PRETORIA.

8. THE SECURITY ARRANGEMENTS THAT BARCLAYS HAVE BEEN FORCED TO INSTITUTE: LOCKED CORRIDOR DOORS AND EXTRA SECURITY CONTROLS HAVE DETERRED MANY WOULD BE VISITORS. THERE WOULD IN NORMAL TIMES BE ABOUT 30 PASSPORT AND CONSULAR VISITORS EVERY MORNING. THIS NUMBER HAS DWINDLED TO ABOUT 12 PERSISTENT PEOPLE EACH DAY. ALL EMERGENCY CONSULAR CASES HAVE CONTINUED TO BE PROCESSED. TELEPHONE ENQUIRIES HAVE BEEN DEALT WITH BUT THE TELEPHONE LINES ARE OFTEN FULLY TAKEN UP WITH "SIT-IN" BUSINESS. THE KEY TO THE WORK OF THE OFFICE IS THE CONSUL. ONCE HE IS WITHDRAWN THE OFFICE WILL LACK THE DIRECTION TO BE ABLE TO CONTINUE



WITHDRAWN THE OFFICE WILL LACK THE DIRECTION TO BE ABLE TO CONTINUE TO FUNCTION.

9. GIVEN THE INCREASINGLY POLITICAL NATURE OF THE STAND OF THE THREE, THE COMPLETE ABSENCE OF ANY RESPONSE TO OUR REQUESTS FOR ASSURANCES ABOUT THEIR BEHAVIOUR AND CLARIFICATION OF THEIR POSITION, AND THE LACK OF ANY SIGN THAT THEY ARE NOW CONTEMPLATING EARLY WITHDRAWAL, THERE APPEARS TO BE NO GOOD REASON FOR DELAYING THE IMPLEMENTATION OF THE RUN-DOWN PROCESS BEYOND NEXT WEEK. THE APPARENT SUCCESS OF THE ANDERSON VISIT, WHICH HAS DOMINATED HEADLINES HERE SINCE HE ARRIVED, WILL ALSO HAVE ENCOURAGED THE THREE AND THEIR ORGANISATIONS TO BELIEVE THAT THERE IS CONTINUING MILEAGE TO BE GAINED FROM THEIR REMAINING IN THE CONSULATE. IT IS PERHAPS SIGNIFICANT THAT BESIDES BISHOP TUTU A REPRESENTATIVE OF THE DUTCH SOCIALIST PARTY IS NOW APPARENTLY CONSIDERING A VISIT (THE HAGUE TELNO 323 TO THE FCO REFERS). THE CONSULATE COULD BECOME A MECCA FOR INTERNATIONAL OPPOSITION TO THE SOUTH AFRICAN GOVERNMENT.

MOBERLY

NNNN

IN A ROOM WHICH THERE IS ONLY ONE MEMBER OF THE CIVIL SERVICE AND  
2. SECURITY AREA IS COVERED AND THEREBY BEEN PARALLEL WITH THE  
CONFIDENTIAL

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WITH COMPLIMENTS

Mr Powell

CO. 15/11.

You may be interested in  
this evidence of South African  
media opinion

**Foxton Communicating**

Pilgr House, 1 Rock Ridge Road, Parktown, 2193, Johannesburg.

P.O. Box 87467, Houghton, 2041, Johannesburg.

John 15/11/60



# Sunday Times

THE PAPER FOR THE PEOPLE

## A thoroughly botched business

TWO nonsenses do not make a right. Which just about sums up the saga of the British consulate sit-in and Pretoria's response to it.

First, the British side. Finding themselves with six unwelcome guests in their Durban office, they faced a dilemma. On the one hand, the swift ejection of fugitives from arbitrary detention orders would seem to convey a lack of compassion and a willingness to collaborate with the SAP.

On the other hand, the precedent of providing diplomatic refuge to political dissidents might expose UK missions elsewhere in the world to similar sit-ins. More — and no less seriously — the host government could be expected to take understandable offence at such an obstruction to the enforcement of its domestic law, no matter how unacceptable such law might be.

Mr Pik Botha displayed some understanding of the dilemma, and his initial response was sensibly muted.

But as the sit-in dragged on, and spokesmen for the demos ranged abroad to make maximum political mileage out of the incident, Pretoria's patience became quite properly stretched by Whitehall's apparent unwillingness, or limp-wristed incapacity, to deal with the situation.

That was when Mr Pik Botha saddled up the least desirable horse in his stable.

Instead of issuing a stern, eject-

them-or-else warning to the embassy, he opted for what, in his own unfelicitous phrase, amounted to an exchange of pounds of flesh, thus elevating bail-jumping into a tool of South African diplomacy.

By announcing that four alleged arms dealers would not return to Britain to face charges in court, the South African Government (always so vocal about its fastidious devotion to legal processes) associated itself with reneging on a solemn undertaking to a judge.

What effect will this have on future legal actions, official or otherwise, abroad? Will any overseas court ever believe a South African lawyer again?

More, Mr Botha has done the Sit-in Six an immense favour. Their minor and localised demo has now been elevated into an international affair. The insult to an English court has been condemned by friend and foe alike, curdling relations with a comparatively friendly government and burning many of the bridges so painstakingly built at Chequers.

Both sides in this lamentable affair have covered themselves in something less than glory.

In the event, matters will not formally come to a head until October 22, when the four alleged arms dealers are due to appear in a Coventry court. We hope they'll be there — and that British diplomats will find the spine to get out of the board-and-lodging business long before then.



# The costliest blunder since Biko

SUNDAY EXPRESS

THE government has besmirched South Africa's name by its decision to renege on its promise that four South Africans would appear for trial in a British court if they were granted bail. It is a blunder exceeded in its potential for harm only by Mr Jimmy Kruger's famous remark that the death of Steve Biko "leaves me cold".

It makes no difference that the broken promise is intended as retaliation for the British refusal to eject six South Africans from the consulate in Durban so that they might be detained without trial. A strict reading of the situation suggests that the British government was indeed in the wrong, and while prudence might have dictated some understanding for Britain's dilemma, South Africa was entitled to a diplomatic riposte.

But almost any other retributive action would have been preferable to the dishonour of breaking a promise made in the name of South Africa to a court of law. We might have sold Exocets to Argentina, or we might have expelled the British diplomatic mission, or — to take the argument to logical absurdity — we might have sent a squad of commandos to break the four men out of a British jail. Any of these would do less damage.

As it is, we shall pay bitterly for sacrificing our long-cherished reputation for international probity. We have thrown away our proud right to say that we pay our debts, we keep our word, and we do not threaten idly. Every enemy will keep the memory alive, and in every friendly mind a doubt about our trustworthiness will linger.

The government's action has given rise to considerable speculation that the President suffered one of his notorious fits of temper. The Foreign Minister is widely perceived as too experienced in foreign affairs to be unaware of the catastrophic implications of what we have done and, if we read him correctly, he has been engaged in a desperate attempt at damage limitation with his argument that each side has now hurled a stone through the other's window, so let's forget it.

If this surmise is indeed correct, the implications are sobering: the President is now possessed of powers unprecedented in our politics, and he appears capable of acting without the restraining influence of a full Cabinet bearing joint responsibility. Much has been written by political scientists about the isolating effects of unfettered power, and if this episode is an example of how we are to be governed, it is indeed distressing.

If, on the other hand, the surmise is mistaken, then there is a way out: the President can climb down by sacrificing a scapegoat, and ensuring that the four men turn up in court after all. Then, having separated the question of South Africa's honour from the dispute over the consulate, he can find more appropriate ways to retaliate against Britain.

The Vienna Convention gives him a firm base from which to operate and he will find that, so long as he bases his actions on law and probity, he will have more support here and abroad than he imagines. But in dishonour he will find himself friendless.



## Those Brits had better watch out!

THOSE Britishers had better learn not to fool around with our President. Every time they do, we'll break a solemn promise made in the name of South Africa. So there! That'll teach them.

They mustn't imagine they can rely on our patience or honour or even self-interest to restrain us. Throw stones at us, and we throw stones right back, like Mr Pik Botha said, and we don't count the cost.

They'd better learn we are not a nation to be trusted to remain placid. We're not a nation to be trusted at all.

PS: We also shoot ourselves in the foot quite often.



SOUTHERN AFRICA: ADVANCE COPIES 14

CARTLEDGE  
MR ~~W. S. COODALL~~  
CABINET OFFICE

PS (2)

PS/MR RIFKIND

PS/PUS

MR FERGUSSON

MR JOHNSON

MR ~~ANDERSON~~ O'NEILL

ED/SAPD

ED/CAF3

ED/UNB

ED/NEWS D

MR FREELAND LEGAL ADV. Rm. WE216

RESIDENT CLERK

PS/NO.10 DOWNING STREET

GRS 650

CONFIDENTIAL

FM PRETORIA 120935Z OCT 1984

TO IMMEDIATE FCO

TELNO. 512 OF 12TH OCT 1984

IMMEDIATE

ADVANCE COPY

MY TELNO 509: SITUATION IN DURBAN CONSULATE

SUMMARY

1. THE ATTITUDE OF THE THREE IN THE CONSULATE HAS BEEN ENCOURAGED BY FURTHER PROMINENT PUBLICITY FOR THEIR STAND AND APPEARS TO HAVE HARDENED.

DETAIL

2. THE THREE MEN IN THE CONSULATE ARE LOOKING FORWARD TO MR ANDERSON'S VISIT WHICH IS PROMINENTLY REPORTED IN ALL SOUTH AFRICAN PAPERS. OUR STAFF IN DURBAN HAVE DETECTED AN APPRECIABLE IMPROVEMENT IN THE MORALE OF THE THREE WHICH HAD BEEN PERCEPTIBLY SAGGING EARLIER THIS WEEK.

3. ATTACKS ON THE BRITISH GOVERNMENT FOR CONTINUING TO ALLOW THE THREE REFUGE IN THE CONSULATE APPEAR IN MANY OF THIS MORNING'S PAPERS WHICH MOSTLY ACCEPT THE GOVERNMENT'S CLAIM THAT THE VISIT OF A BRITISH MP COMPOUNDS THE ILLEGALITY OF THE CONTINUED PRESENCE OF THE THREE IN THE CONSULATE. THE SABC DEVOTED ITS MORNING COMMENT PROGRAMME TO THE SUBJECT. THE TEXT IS IN MIFT.

4. THERE SEEMS TO BE NO PROSPECT OF ANY CHANGE IN THE ATTITUDE OF THE THREE PENDING MR ANDERSON'S VISIT.

5. THE LEGAL REPRESENTATIVES OF THE THREE HAVE RELEASED THE TEXT OF THE TWO STATEMENTS DELIVERED TO US ON 10 OCTOBER.

6. THE UDF HELD A RALLY IN JOHANNESBURG LAST NIGHT TO PROTEST AGAINST THE ATTITUDE OF THE GOVERNMENT TO THE UDF. THIS FOLLOWED A MEETING OF THE UDF EXECUTIVE ON 10 OCTOBER TO DISCUSS REPORTS THAT THE GOVERNMENT MIGHT BE INTENDING TO BAN THE UDF. IN A STATEMENT AT THE END OF THE MEETING, THE UDF CONFIRMED ITS COMMITMENT 'TO STRUGGLE PEACEFULLY FOR A NON-RACIAL, DEMOCRATIC, UNITARY SOUTH AFRICA IN THE BELIEF THAT THIS IS THE ONLY MEANS



PS (6)

PS/ME RIFKIND

PS/PUS

MR FERGUSSON

MR JOHNSON

MR ~~ABRAMS~~ O'NEILL

ED/SAFD

ED/CAF

ED/UND

ED/NEWS D

MR FREELAND LEGAL ADV. Rm. WH216

RESIDENT CLERK

~~MR A. S. GOODE~~  
CARTLEDGE  
CABINET OFFICE

PS/NO. 10 DOWNING STREET

IMMEDIATE

CONFIDENTIAL  
FM PRETORIA 121600Z OCT 1984  
TO IMMEDIATE FCO  
TELNO. 518 OF 12TH OCT 1984

MY TEL NO 517: DURBAN CONSULATE

1. I WAS INVITED TO PAY A FIRST CALL THIS AFTERNOON ON THE FOREIGN MINISTER. IT WAS A SHORT MEETING. MR PIK BOTHA EXPLAINED THAT HE HOPED TO BE LEAVING THIS EVENING FOR LISBON, SINCE HIS PRESIDENT HAS ASKED HIM TO SEE THE PORTUGUESE GOVERNMENT URGENTLY OVER AN ASPECT OF SOUTH AFRICA'S CURRENT INITIATIVE WITH MOZAMBIQUE.

2. AFTER WELCOMING ME TO SOUTH AFRICA IN A FRIENDLY WAY, PIK BOTHA SAID IT WAS A CHALLENGING TIME FOR A NEW AMBASSADOR TO ARRIVE IN VIEW OF THE CURRENT DIFFICULTIES BETWEEN US. THE FOUR SOUTH AFRICANS WOULD NOT BE SENT BACK FOR THE LEGAL PROCEEDINGS IN COVENTRY LATER THIS MONTH. BUT HE WISHED TO SEE THE AFFAIR OF THE DURBAN CONSULATE RESOLVED AND HOPED IT WOULD SOON BE BEHIND US ALL.

3. I ASSURED HIM THAT IT WAS CERTAINLY OUR HOPE THAT THE SITUATION AT THE CONSULATE COULD BE RESOLVED PEACEFULLY AS SOON AS POSSIBLE. WE HAD URGED THE THREE TO LEAVE AND WERE PUTTING THIS TO THEM IN STRONG TERMS. WE HAD ALSO MADE PLAIN OUR DISPLEASURE AT THEIR MISUSE OF OUR CONSULATE PREMISES FOR THE RECENT ITN INTERVIEW.

4. AT THIS POINT BOTHA SAID THAT IF THE DUST WERE ALLOWED TO SETTLE IN A WEEK OR TWO HE MIGHT BE ABLE TO SUGGEST TO THE MINISTER OF LAW AND ORDER THAT THE DETENTION ORDERS SHOULD BE RECONSIDERED. WHEN I ASKED WHAT HE MEANT BY THE DUST SETTLING, BOTHA MADE IT CLEAR THAT HE HAD IN MIND THE GENERAL SITUATION OF UNREST AND DISTURBANCES. IN THAT CASE I ASKED WHETHER RECONSIDERATION OF DETENTION ORDERS MIGHT EXTEND TO THE THREE IN THE



... OF THE MEETING, THE UDF CONFIRMED ITS COMMITMENT 'TO STRUGGLE PEACEFULLY FOR A NON-RACIAL, DEMOCRATIC, UNITARY SOUTH AFRICA IN THE BELIEF THAT THIS IS THE ONLY MEANS OF ACHIEVING LONGTERM JUSTICE, PEACE AND SECURITY'.

7. SPEAKING AT LAST NIGHT'S RALLY IN HIS CAPACITY AS AN EXECUTIVE MEMBER OF THE UDF AND NOT IN HIS CAPACITY AS A LEGAL ADVISER TO THE DURBAN THREE, ADVOCATE YACOB SAID 'THE DURBAN CONSULATE ISSUE HAS SHOWN CLEARLY THAT GREAT BRITAIN IS AS MUCH A SUPPORTER OF THE SOUTH AFRICAN GOVERNMENT AS ANYONE ELSE. IT HAS SHOWN THAT WE CANNOT TRUST THE THATCHER GOVERNMENT. THE ONLY REASON MRS THATCHER HAS NOT KICKED THE THREE OUT OF THE CONSULATE IS BECAUSE SHE IS AFRAID THAT SHE WILL LOSE VOTES TO THE LABOUR PARTY AT THE NEXT ELECTION'.

8. HE ADDED THAT THERE WAS STILL AN OPPORTUNITY FOR BRITAIN TO DEMONSTRATE THAT WESTERN CIVILISATION IS WORTH SOMETHING AND THAT IT STILL HAS SOME MORALITY. 'THEY CAN STILL CONVERT THEIR WORDS INTO ACTION. THIS IS THE CHALLENGE I THROW TO THEM'.

9. THE SOUTH AFRICAN GOVERNMENT'S POSITION ON MR ANDERSON'S VISIT REMAINS A LITTLE UNCLEAR. ALTHOUGH THE MINISTER OF FOREIGN AFFAIRS HAS CONDEMNED THE VISIT, IT APPEARS THAT MR ANDERSON WILL BE ADMITTED TO SOUTH AFRICA. MR BOTHA HAS CONFIRMED (WE ASSUME THAT HE HAS THE AUTHORITY OF THE MINISTER OF LAW AND ORDER TO SAY SO) THAT HE WILL BE GIVEN THE OPPORTUNITY TO SEE THE THREE MEN WHO LEFT THE CONSULATE AND WHO HAVE BEEN REDETAINED PROVIDED THAT THEY WISH TO SEE HIM. MRS PRINSCHILLA JANA, THE INSTRUCTING SOLICITOR FOR THE SHIP, HAS TOLD THE PRESS THAT MR ANDERSON HAS ASKED TO SEE EIGHT DETAINEES, TWO OF THEM OFFICIALS OF THE AZANIAN PEOPLE'S ORGANISATION. AN AZAPO SPOKESMAN HAS SAID HE DOUBTED WHETHER THE TWO AZAPO MEMBERS WOULD WANT TO MEET MR ANDERSON. IT WAS AZAPO POLICY TO AVOID OFFICIAL CONTACT WITH BRITAIN BECAUSE OF THAT COUNTRY'S STANCE TOWARDS SOUTH AFRICA IN THE UNITED NATIONS.

#### COMMENT

10. SINCE THE JUDGEMENT OF THE NATAL SUPREME COURT ON 8 OCTOBER, THERE HAS BEEN A PERCEPTIBLE SHIFT IN PUBLIC AND MEDIA OPINION IN FAVOUR OF THE SOUTH AFRICAN GOVERNMENT. SABC AND THOSE MEDIA WHO NORMALLY SUPPORT THE GOVERNMENT LINE ARE GIVING PROMINENT COVERAGE TO MR BOTHA'S REFERENCES TO ALLEGED FURTHER INFRINGEMENTS BY THE BRITISH GOVERNMENT OF INTERNATIONAL AND DOMESTIC LAW IN THE HANDLING OF THE DURBAN CONSULATE AFFAIR. IN THIS SITUATION, WHERE THE SAG SEE THE TIDE MOVING IN THEIR FAVOUR, THEY ARE UNLIKELY TO WISH TO BE HELPFUL IN RESOLVING THE SITUATION. THEY MAY SEE ADVANTAGE IN SPINNING THINGS OUT AT LEAST UNTIL COMMITAL PROCEEDINGS INVOLVING THE COVENTRY FOUR DUE ON 22 OCTOBER, BY WHICH TIME THEY WOULD HOPE TO HAVE CONVINCED SOUTH AFRICAN PUBLIC OPINION THAT THEIR ACTION IN NOT ALLOWING THE COVENTRY 4 TO RETURN TO BRITAIN WAS FULLY JUSTIFIABLE IN TERMS OF INTERNATIONAL LAW.

MOBERLY



OF UNREST AND DISTURBANCES. IN THAT CASE I ASKED WHETHER RECONSIDERATION OF DETENTION ORDERS MIGHT EXTEND TO THE THREE IN THE CONSULATE IF THEY WERE STILL THERE. HE REPLIED THAT IT WOULD BE NATURAL TO INCLUDE THEM IF ORDERS AGAINST OTHER PEOPLE NOW IN DETENTION WERE LIFTED.

5. HE THEN REFERRED TO THE ANDERSON VISIT, SAYING THAT HE HOPED THIS WOULD NOT MAKE MATTERS WORSE. I EXPLAINED THAT MR ANDERSON HAD BEEN TOLD IN LONDON OF OUR VIEW THAT IT WOULD BE INAPPROPRIATE AND UNHELPFUL IF HE WERE TO ACT AT THE CONSULATE IN A WAY WHICH COULD BE PRESENTED AS USING HIS VISIT FOR POLITICAL PURPOSES. BUT OF COURSE WE COULD NOT BE RESPONSIBLE FOR WHAT MR ANDERSON MIGHT DO OR SAY OUTSIDE THE CONSULATE. MR BOTHA CONFIRMED WHAT HE HAS ALREADY SAID IN PUBLIC ABOUT THE SOUTH AFRICAN AUTHORITIES PLACING NO OBSTACLE IN THE WAY OF MR ANDERSON VISITING THE CONSULATE OR SEEING THE THREE MEN WHO LEFT THE CONSULATE AND ARE NOW IN DETENTION PROVIDED THEY WISHED TO SEE HIM. INDEED HE ASKED HIS DIRECTOR GENERAL TO ENSURE THAT ARRANGEMENTS FOR ANDERSON VISITING THE DETENTION CENTRE GO SMOOTHLY IF WE WOULD LET HIM KNOW MR ANDERSONS PLANS .

6. COMMENT. THERE WAS A HINT IN WHAT PIK BOTHA SAID ABOUT POSSIBLE RECONSIDERATION OF DETENTION ORDERS (PARAGRAPH 4 ABOVE) THAT THE SOUTH AFRICANS WOULD BE GLAD TO SEE THE THREE STAY IN THE CONSULATE A WHILE LONGER AND THAT A DECENT MEANS CAN THEN BE FOUND OF RESOLVING THE IMPASSE. BUT WE SHOULD PERHAPS NOT READ TOO MUCH INTO THIS. IT WOULD IN ANY CASE DEPEND ON THE GENERAL SITUATION IN THE COUNTRY QUIETENING DOWN AND THERE BEING NO FURTHER SUDDEN SQUALLS OVER THE CONSULATE ITSELF.

7. FOR RESIDENT CLERK. I SHOULD BE GRATEFUL IF THE OFFER IN THE LAST SENTENCE OF MY PARAGRAPH 5 COULD BE PASSED TO MR ANDERSON BEFORE HIS DEPARTURE.

MOBERLY

NNNN





Foreign and Commonwealth Office

London SW1A 2AH

12 October 1984

*Dear Charles,*

Durban Six

Thank you for your letter of 3 October. As requested, I attach a draft reply from the Prime Minister to Mrs Gandhi's letter of 27 September.

We have considered whether there are other points, for example on bilateral issues, which the Prime Minister might include in her reply, but have concluded that there is nothing we need to raise. The draft reply is therefore confined to the issues mentioned by Mrs Gandhi. It explains on standard lines our position on the continued occupation of our Consulate at Durban and our attitude towards the recent Indian and Coloured elections in South Africa.

*Yours ever,*

*Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street



DRAFT: minute/letter/teleletter/despatch/note

TYPE: Draft/Final 1+

FROM

PRIME MINISTER

DEPARTMENT:

TEL. NO:

Reference

12/10/84

*AI type  
M 111  
despatch*

*DR*

SECURITY CLASSIFICATION

TO:

Mrs Gandhi

Your Reference

Top Secret

Secret

Confidential

Restricted

Unclassified

Copies to:

PRIVACY MARKING

SUBJECT:

.....In Confidence

Thank you for your letter of 27 September about the six men who sought refuge in our Consulate in Durban.

CAVEAT.....

As you will appreciate, this has been a difficult problem. Humanitarian considerations have weighed heavily in our thinking and were a major factor in our decision at the outset that we would not require the six men to leave against their will. We also bore in mind that detention orders had been issued against the men and that the validity of those orders was then being tested in the Natal Supreme Court.

As you know, three of the men left the Consulate before the Court gave its decision on 8 October upholding the detention orders. We have explained to the three remaining in the Consulate that our position on eviction has not changed. But we do believe that all that could reasonably be done has been done and that we cannot countenance an indefinite stay which is seriously disrupting the work of the Consulate. It is also difficult to see what useful purpose is served by their remaining.

Enclosures—flag(s).....

/You



You mentioned the outcome of the recent elections in South Africa. I fully accept that the new Constitution is seriously flawed by the absence of any provision for the Black majority. Its racial nature is contrary to our democratic traditions and beliefs and it is clearly unacceptable to many in the Indian, Coloured and White communities, as well as to Blacks. Nevertheless, it does represent some movement in political thinking in South Africa. The Coloured and Indian leaders in the new Parliament say that they are committed to achieving changes for the Black majority as well as for their own communities. I do not know if such changes can be achieved. But I believe it would be wrong to do anything that might impede such a development. For these reasons we have refrained from condemning the new arrangements outright and decided to give them the test of time. I assure you that I shall be following this process closely.

302.



CONFIDENTIAL



H. STEEL, CMG OBE  
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

11 October 1984

Sir John Freeland KCMG  
The Legal Adviser  
Foreign and Commonwealth Office  
King Charles Street  
LONDON S W 1

*NBPM  
OJ 11/10*

*Dear John,*

ARMSCOR CASE AND DURBAN CONSULATE

I am grateful to you and to Arthur Jeddere-Fisher and to Jim Nursaw for your expeditious responses to my letter of 9 October. I have discussed the matter with the Attorney General and, on his behalf and in the light of his comments, have spoken to George Carman.

Before I could begin to give Carman the answers to the points which he had raised, he said that we had been overtaken by events. He said that after his last meeting with the Attorney General, he had had another discussion with the South African Ambassador and both of them had then "striven valiantly" to persuade the South African Government to moderate their attitude. He knew that their representations had gone direct to the South African Foreign Minister. Despite this, there had, so he understood, been another meeting of the South African Government on Tuesday morning at which a firm decision was taken that the four defendants should not be returned and that he, Carman, should be instructed to make a vigorous stand on the "reprisals" issue and the iniquities, in international law terms, of the British Government.

I asked whether, notwithstanding this, he would still want to have our responses to the particular points which he had raised. He said that he did and I therefore gave them to him, as follows:

- (i) As regards a possible deal involving compounding, there was nothing to add to what he had previously been told. The Commissioners had decided, on a full consideration of all the facts, that they could not compound; and they would not be asked to reconsider.
- (ii) As regards bail, I reported what was said in Arthur Jeddere-Fisher's letter, adding only that the decision was in the last resort for the court.

/(iii)

CONFIDENTIAL



CONFIDENTIAL



H. STEEL, CMG OBE  
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

- (iii) As regards an early trial, I again reported what Arthur Jeddere-Fisher had said.
- (iv) As regards sentencing I said that there was nothing that we could do.
- (v) As regards remission and deportation, I said that it was impossible for either the Home Secretary or the Commissioners to give any undertaking as to what might happen after sentence. I added that no significance should be read into the limited nature of this statement and that, in my personal view, it was extremely unlikely that anything could be done to meet the South African request, even after sentence.
- (vi) On immunity, I said that the Attorney could add nothing to what he had previously said.

Carman took all this without fuss or argument. His comments were confined to "of course" or "I quite understand", etc. I doubt if we shall hear any more from him.

I am copying this letter to Arthur Jeddere-Fisher, Jim Nursaw and Charles Powell.

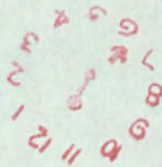
*Jasper,*  
*Henry*

CONFIDENTIAL



SOUTH AFRICA

Relations R 4



1 OCT 1984



NOTE

In his letter of 30 September to the Prime Minister, President Botha expressed the view that Her Majesty's Government, by its attitude to the request put forward in the South African Government's Aide Memoire of 20 September and by failing either to expel or surrender the six men in the British Consulate in Durban, have obstructed the South African process of law enforcement and have acted unlawfully in terms of customary international law. We cannot accept this as correct.

The six men did not come to the Consulate asking for asylum and there was nothing improper about their entry. Their stay began without our agreement, but it was justifiable, having regard to the humanitarian considerations, for us to refrain from forcibly evicting them. It is relevant in this connection that, only two weeks before the incident, on 27 August, the British Government had expressed their concern to the South African Government about those then detained (who included five of the six); and that they had subscribed to a statement by the ten EC countries on 11 September about recent events in South Africa. It is also relevant that, since the day on which the men arrived in the Consulate, until 8 October, legal proceedings concerning the validity of the further orders for their detention without trial have been in progress.

The situation as it has developed is, of course, a complex one but it is not of our making. The six, and now the three, have persisted in their stay with no encouragement from us. Indeed, we have from the outset advised them of the difficulties which their presence creates for us. We have made clear to them and to the South African Government our hope that matters would evolve in a



Charles Powell



CP

*With the compliments of*

**THE PRIVATE SECRETARY**

Colin Budd

19/10

**FOREIGN AND COMMONWEALTH OFFICE  
SW1A 2AH**



Secretary of State

→ CC Private Secretary  
PS/PUS  
Mr Ferguson  
Mr Johnson

PRESS RELEASE

INTENDED VISIT BY MR DONALD ANDERSON, MP, TO SOUTH AFRICA

£ 10. 10

Mr Donald Anderson, MP, like any other British parliamentarian, does not require a visa to enter South Africa. The South African Government will therefore not stand in his way. Naturally, however, the South African Government will expect Mr Anderson, like any visitor to any other country, to abide by South Africa's laws.

Regarding Mr Anderson's intention to visit the British Consulate in Durban and have discussions with the British Consul and the three South African nationals who were given refuge illegally in the Consulate, that is a matter with which the British Government will have to concern itself. In terms of international law and practice the South African Government cannot prescribe who should or should not visit a foreign consulate in South Africa. It is for the Government to which the Consulate belongs to ensure that its Consulate should not be used in any manner which is in violation of international law or which obstructs the enforcement of the law or which interferes in the domestic affairs of the receiving state.

While the South African Government has always said that it would welcome a fact-finding mission to South Africa by leading members of the British Labour Party, it feels constrained to draw attention in this instance to the blatantly political motivation and purpose of Mr Anderson's intended visit. He has said that he is deputising for his leader, Mr Neil Kinnock, who was invited to come to South Africa by the legal representative of the South African nationals in the Durban consulate. He has said that he will be visiting the consulate, specifically to see the three South African nationals still seeking refuge there.

Mr Anderson's intended visit to the British Consulate in Durban is a direct result of the British Government's illegal action in refusing to eject the six South African nationals.

The South African Government takes exception to the fact that the British Consulate in Durban continues to be used to promote a political campaign against the South African Government, in clear contravention of customary public international law. In this regard the South African Government has already conveyed its objections to the British Government that the British Consulate in Durban was used over this last weekend for worldwide television and broadcasting attacks on the South African Government.

By allowing Mr Anderson access to the British Consulate in Durban in order to visit the South African nationals still granted illegal refuge in the Consulate the British Government will be in further breach of its solemn international obligations and undertakings.

ISSUED BY  
MINISTER (INFORMATION)  
SOUTH AFRICAN EMBASSY  
LONDON

10 October 1984



10 OCT 1984

10 11 12 1  
9 8 7 6 5 4 3 2





10 DOWNING STREET

FEB Prime Minister

The Prime Minister

should see these telegrams  
if possible.

2. The action proposed  
is right, but will of course  
cause a considerable  
reaction here. This should  
be avoided:

(a) while Brighton is  
still going on;

(b) while Mr. Anderson, the  
Opposition spokesman, is in  
Durban.

This points to delay of



a few days. I

have told the FCO this,

and I understand that

Greider <sup>with M. ...</sup> Howe agrees.

CDP

10/10.



CONFIDENTIAL

DESKBY 101100Z

FROM **PRETORIA** 100900ZTO IMMEDIATE FCO  
TELEGRAM NUMBER 499 OF 10 OCTOBER 84MIPT: **DURBAN CONSULATE**

SUMMARY

1. WE HAVE MADE IT VERY PLAIN TO THE THREE AND THEIR LEGAL ADVISERS THAT WE ARE SERIOUSLY CONCERNED THAT ONE OF THE THREE CONTRIVED TO BROADCAST CLANDESTINELY AN INTERVIEW FROM THE BUILDING.

DETAIL

2. WE HAVE SPOKEN TO NAIR AND TO ADVOCATE YACOOB. WE HAVE TOLD BOTH THAT WE TAKE A VERY SERIOUS VIEW OF THE ACTION WHICH LED TO NAIR GIVING A RADIO INTERVIEW FROM WITHIN THE CONSULATE.
3. NAIR REFUSED TO COMMENT BUT LOOKED CRESTFALLEN. WE UNDERSTAND FROM PRESS CONTACTS THAT A RADIO MICROPHONE WAS SMUGGLED IN TO HIM BY HIS RELATIVES (ALTHOUGH IT COULD ALSO HAVE COME FROM LAWYERS), AND THAT THROUGH THIS HE WAS ABLE TO GIVE AN INTERVIEW TO A CORRESPONDENT IN A NEIGHBOURING BUILDING. PICTURES OF THE THREE AT A WINDOW WERE FILMED BY A TV CAMERA IN AN ADJACENT CAR PARK.
4. WE TOLD YACOB THAT WE HAD TO REGARD THE EPISODE AS A SERIOUS BREACH OF GOOD FAITH. WE HAD PREVIOUSLY MADE IT VERY PLAIN TO THE LAWYERS AND THE SIX THAT WE WERE COUNTING ON THE SIX NOT TRYING TO ARRANGE FOR ITEMS TO BE SMUGGLED IN BEHIND OUR BACKS. THEY WERE WELL AWARE THAT OUR RULES DO NOT ALLOW RADIO EQUIPMENT INT THE BUILDING. THE USE OF THE RADIO MICROPHONE HAD SHOWN NO UNDERSTANDING OF THE SENSITIVITY OF OUR SITUATION. HE WOULD KNOW WHAT THE SOUTH AFRICAN GOVERNMENT HAD SAID ABOUT THE USE OF THE CONSULATE FOR PROPOGANDA BROADCASTS.
5. YACOOB MADE NO COMMENT. WE ADDED THAT IN THIS SITUATION HE SHOULD BE AWARE THAT WE CONSIDERED THESE EVENTS FURTHER AMPLE JUSTIFICATION FOR OUR ADVICE THAT THE THREE SHOULD LEAVE. WE SHOULD NOW NEED TO GIVE FURTHER EARLY CONSIDERATION TO HOW THIS NEW DEVELOPMENT WOULD AFFECT OUR POSITION IN DURBAN. IT UNDERLINED A NEED FOR AN IMMEDIATE CONSIDERED REPLY FROM THE THREE. WE HOPED THAT THIS WOULD CONFIRM THAT THEY HAD ACCEPTED OUR ADVICE. YACOOB UNDERTOOK TO CONSULT.

CONFIDENTIAL

/6.



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6. IN AN ATTEMPT TO ENSURE THAT OUR CONCERN IS TAKEN SERIOUSLY WE HAVE MADE IT CLEAR THAT PENDING A REPLY WE SHALL NEED TO TIGHTEN TODAY'S ARRANGEMENTS FOR ACCESS TO THE THREE. THE LEGAL ADVISERS WOULD BE ADMITTED BUT WE SHOULD NEED TO REVIEW HOW RELATIVES ARE TO BE TREATED LATER TODAY IN THE LIGHT OF WHAT ASSURANCES HAVE BEEN GIVEN TO US.

7. YOU SHOULD BE AWARE THAT YOUR TEL NOS 264 AND 265 REACHED THE EMBASSY ONLY AT 1000 LOCAL TIME ON 10 OCTOBER. OUR ACTION WAS TAKEN BEFORE THE RECEIPT OF THE TELEGRAMS BUT ON LINES AGREED WITH REEVE BY TELEPHONE LAST NIGHT.

MOBERLY

[COPIES SENT TO NO 10 DOWNING STREET]

SOUTHERN AFRICA

STANDARD(PALACE)

S AF D

OADS

MCAD

UND

NAD

WED

ECDs

SOVIET D

EED

MR J R J JOHNSON

CABINET OFFICE

ADDITIONAL DISTRIBUTION  
SOUTHERN AFRICA

COPIES TO:-

MR RIFOOT LEGAL ADVISERS

-2-  
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GRS320

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FROM PRETORIA 100920Z  
TO IMMEDIATE FCO  
TELEGRAM NUMBER 500 OF 10 OCTOBER 84

MIPT: DURBAN CONSULATE

1. YOU WILL WISH TO CONSIDER HOW THE DEVELOPMENTS IN MY TWO IPTS AND YOUR TEL NO 267 SHOULD AFFECT EFFORTS TO PERSUADE THE THREE TO LEAVE THE CONSULATE.
2. AS SEEN FROM HERE THE ACTION OF NAIR COULD GIVE US A VALID REASON FOR THE ADVANCEMENT OF PLANS TO MOVE TOWARDS THE CLOSURE OF THE CONSULATE.
3. WE HAVE SPOKEN VERY STERNLY TO BOTH NAIR AND YACOOB. IT WOULD BE A NATURAL FURTHER DEVELOPMENT, PARTICULARLY IF NO ASSURANCES ARE FORTHCOMING FROM THEM DURING THE COURSE OF THE DAY, TO TELL THEM TOMORROW THAT THIS FURTHER BREACH OF GOOD FAITH (FOLLOWING THE WARNING AFTER CLANDESTINE PHOTOGRAPHY) IN CONNIVING AT A SECRET BROADCAST HAS MADE OUR POSITION NO LONGER TENABLE.
4. IN THE CIRCUMSTANCES WE SHOULD SEE ATTRACTION FROM HERE IN TELLING THEM THAT THE CONSULATE WILL HAVE TO CLOSE. IT MIGHT BE HELPFUL TO ADD THAT THE DIFFICULTIES FOR OUR STAFF IN DURBAN HAVE BECOME TOO GREAT SINCE IT APPEARS THAT THEY CANNOT COUNT ON THE CO-OPERATION OF THOSE IN THE CONSULATE AND THEIR CONTACTS. AS IT WOULD BE INVIDIOUS TO TRY TO HALT ALL CONTACT WITH OUTSIDERS, WE HAVE NO ALTERNATIVE BUT TO PUT AN END TO THE PRESENT SITUATION. THE EVENTS OF THIS WEEK HAD MADE IT IMPOSSIBLE TO CONTINUE TO PROVIDE FACILITIES THAT MIGHT BE ABUSED BY THE THREE. WE COULD ALSO MENTION THAT OUR CONSUL WOULD BE LEAVING DURBAN AND THAT THE OFFICE WOULD BE CLOSED FOR THE PERIOD OF HIS ABSENCE.

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15.



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5. IF YOU FEEL ABLE TO AUTHORISE THIS LINE, THERE MIGHT BE A CASE FOR ACTING VERY EARLY TO CLOSE DOWN THE CONSULATE, ALTHOUGH WE RECOGNISE THAT YOU MAY WISH TO CONSIDER THE EXACT TIMING FOR CLOSURE IN THE LIGHT OF WHAT HAS BEEN SAID TO MR ANDERSON AND PUBLIC COMMENT IN BRITAIN ON THE PRESENT POSITION OF THE THREE.

MOBERLY

[COPIES SENT TO NO 10 DOWNING STREET]

SOUTHERN AFRICA

STANDARD(PALACE)

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MR J R J JOHNSON

CABINET OFFICE

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Solicitor's Office  
HM Customs and Excise  
King's Beam House  
Mark Lane London EC3R 7HE  
01-626 1515

A J JEDDERE-FISHER  
The Solicitor

H Steel Esq CMG OBE  
Legal Secretary  
Law Officers Department  
Attorney General's Chambers  
Royal Courts of Justice  
LONDON WC2

10 October 1984

*CDP 15/K*

*I see Henry,*

ARMSCOR CASE AND DURBAN CONSULTATE

You asked for comments on the points made by Carman during his talk with the Attorney General on 8 October.

On the possibility of the offences being compounded no further comment appears to be required.

On the issue of bail if the four defendants returned to this country and appeared in court on 22 October. I have obtained the Commissioners' instructions on this and while they are prepared to be flexible according to the circumstances, they see no reason at present why the objections which were made to bail before are not still valid. Their initial reaction is that they would wish to put them forward again. The principal reason for this attitude is that the defendants are not free agents and appear to be under an obligation to take orders from the South African Government.

There is no objection to an early trial. I have ascertained that Birmingham Crown Court has not got a long waiting list. The prosecution would be ready to commence the trial by 2 January. Some notice would be required because it is likely that we would need the presence of some witnesses from abroad.

No comment is required on the issue of an assurance concerning non-custodial sentences.

On the prospects of deportation before the serving of any custodial sentence there is, as Jim Nursaw has pointed out to you, the power given to the Commissioners by section 152 of the Customs and Excise Management Act 1979 to "order any person who has been imprisoned to be discharged before the expiration of his term of imprisonment, being a person imprisoned for any offence under those Acts ..." The Acts referred to are the customs and excise Acts under which proceedings will be brought. I cannot give you a positive answer on this without speaking to my Chairman or the Commissioner concerned. The former is out of town for the rest of the week and the latter returning from Brussels this evening. However, it is a power which is known to have been exercised only once in at least the last thirty years. The use of the power was

/the subject



Relatives: South Africa Pt 4.

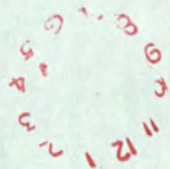
the subject of a Parliamentary Question in November 1983 and the answer pointed out that that single example concerned a heroin smuggler who was discharged from prison and taken to the United States in order to plead guilty to a charge there and give evidence securing the conviction of fifteen other heroin smugglers. I consider it so unlikely that the Commissioners would be willing to use this power for the Armscor defendants that I suggest you rule it out of immediate consideration. Should I find this evening or tomorrow that the Commissioners would be willing to use it, I will let you have a correction to this comment before close of play tomorrow.

*Yours*

*Arthur*

A JEDDERE-FISHER

Spine of the photo receipts of yours of 7.10.84.



10 OCT 1984



CONFIDENTIAL



le use.  
cpc.

10 DOWNING STREET

*From the Private Secretary*

10 October 1984

Detainees in the Durban Consulate

Thank you for your letter of 9 October enclosing a draft reply for the Prime Minister to President Botha's letter on this subject. The Prime Minister has approved the reply with some minor amendments. I enclose the signed copy.

I am sure the Prime Minister would agree that our Ambassador in Maputo should inform President Machel that a message has been sent to President Botha about the cease-fire in Mozambique and should at the same time convey her congratulations to President Machel on this development. I also agree that it would be right to inform the press of this aspect of the Prime Minister's contacts with Botha and Machel.

(C.D. POWELL)

C.R. Budd, Esq.,  
Foreign and Commonwealth Office.

CONFIDENTIAL





10 DOWNING STREET

From the Private Secretary

Prime Minister

This is the reply to Botha's message which I do not think we can delay longer. Background is explained in the FCO letter attached.

If you agree, please sign "Dear Mr. President". No need to sign the accompanying note.

Although the reply turns down Botha's proposal, there are good grounds to think the South Africans expect this and have discounted a negative response in advance. The positive bit on Mozambique will sugar the pill.

CJD? 9/K.



ccp



Foreign and Commonwealth Office

London SW1A 2AH

9 October 1984

Dear Charles,

Detainees in Durban Consulate

The position in Durban is that three of the six left the Consulate voluntarily on 6 October, apparently to test South African reactions though publicity was probably a major motive. They were arrested outside the building. The other three remain and are reported to have said that they will stay indefinitely. The Natal Supreme Court yesterday dismissed the application by all six for the invalidation of the detention orders against them. We are accordingly implementing the plan agreed last week by the Prime Minister for this eventuality. We have advised the remaining three that we believe they should leave, making clear that we have done all we can. (This point is reflected in the letter to President Botha, covered below). The three are now considering their position. If they decline to leave we shall not compel them to do so but will begin a step by step process of running down the Consulate and increasing pressure on them to go.

Your letter of 30 September enclosed a letter from the South African President, Mr Botha, to the Prime Minister. The Foreign Secretary delayed recommending a reply in view of the evolving situation over the last weekend and the expected Court decision. But he now recommends the Prime Minister should send a response. I enclose a draft reply.

President Botha's letter was in response to the Prime Minister's message to him of the same date. (Copies of both messages are enclosed.) The Prime Minister was responding to the proposal made to Baroness Young on the telephone by the South African Foreign Minister, Mr Pik Botha, on 29 September, that the latter should come to the UK for discussions which would cover Durban and other issues. The Prime Minister's message deliberately avoided turning this proposal down, but attempted to discover exactly what the South Africans had in mind. President Botha's letter does not in the event pursue this idea further. Instead he proposes that a legal team representing the four South African defendants in the case involving offences of alleged illegal export of arms and the South African Government should urgently meet with representatives of the FCO, the Customs and Excise, and the Director of Public Prosecutions in order to explore the possibilities of a compounding settlement in this case.

/President





President Botha's letter underlines the South African Government's concern to come to find a 'political' route to avoid the difficulties which a trial would cause them. They have come back to the Foreign Minister's earlier statement that his government regarded itself as absolved by our action over the Durban Six from its commitment to the Coventry court to ensure the return of the South African defendants for their trial. (This decision has been widely criticised inside South Africa, at both ends of the political spectrum, as well as outside.) We assume, though without firm evidence, that the government is deeply concerned at what might emerge about South African arms dealing if the case comes to court with or without South African defendants.

We have made clear to the South African authorities from the very start of the affair that the Government cannot seek to interfere with the Commissioners of Customs and Excise in their handling of it. Their independence is clearly established in legislation and while it is right for us to draw to their attention the various approaches we have had from the South African authorities, it is for the Commissioners to judge how these should be taken into account. For their part, the Commissioners have decided that compounding would be inappropriate. Compounding is the normal method of settlement in revenue cases involving relatively small sums of money and in other cases of technical breaches of prohibitions and restrictions. But it is not normally followed in more serious cases, particularly those involving breaches of export prohibitions. In such cases, it is the policy of the Customs and Excise to prosecute and not to compound. There are limited exceptions and indeed some of the British defendants in the present case were involved in an earlier case of illegal shipment of arms equipment to South Africa which was compounded in quite exceptional circumstances. (The head of one of the British companies concerned had a serious heart complaint and the Customs and Excise feared a prosecution could have fatal consequences. He in fact died a year later.) The Commissioners are clear that in the present case it would be inappropriate to compound.

Politically, of course, the present case has always been sensitive. Action by Government which might give rise to allegations of interference in the legal process would make it acutely so. The Foreign Secretary therefore recommends that no purpose would be served by a visit by a South African legal team and that the Prime Minister accordingly should not accept this proposal.

/President





President Botha's letter also raises a number of legal issues. He repeats the South African Government's view that we are in breach of international law by our failure to evict the six from the Consulate; moreover, he argues that the South Africans are accordingly justified by the doctrine of reprisal in their action over the four. We have not yet responded to the South African Government's aide memoire of 20 September which first set out their view of the legal position on Durban and requested us either to surrender the six or to permit the South African authorities to apprehend them. The Foreign Secretary believes we cannot put off indefinitely tackling the legal aspects of this case in our exchanges with the South Africans. He believes that it would be better to do so in a manner which would permit us to mix legal and political arguments, since our legal position is not strong. He therefore recommends that the Prime Minister should take this opportunity to deal with this aspect of the Durban Six. The draft letter accordingly rejects, in what we believe to be a defensible way, the allegation that our attitude so far is in practice an obstruction of the South African process of law enforcement and that we have acted unlawfully in terms of customary international law. It also reaffirms our attitude to the repudiation by the South African Government of its undertakings to the Coventry court. These points are amplified in a note attached to the letter which also deals with some points relating to the arms embargo offences case.

The Foreign Secretary has considered carefully whether our response to President Botha's letter might make the South Africans less likely to take action which would help in bringing about a resolution of the Durban problem. But now that the situation is clearer, following the departure of the three and the Court decision, the response is unlikely to have this effect. It may well irritate the South Africans but we have some indications that they are in fact expecting a negative reply, and do not propose to do anything in response. In any case we have no choice but to turn down the proposal for a visit by a legal team.

The Foreign Secretary remains concerned that this affair should not be allowed to affect adversely our underlying policy towards South Africa. If the Prime Minister replies as suggested he believes that to offset this it is important to indicate to President Botha that we continue to wish to enjoy good bilateral relations. The draft includes appropriate language on this. It also includes a warm reference to the ceasefire in Mozambique, which has just been announced. The Mozambique Government have specifically asked us if the Prime Minister could send a message in these terms to President Botha. The Foreign Secretary recommends that we should be justified in taking this opportunity to do so. Although the details of the arrangements arrived at between Mozambique and Renamo are still unclear, both the

/Mozambique



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Mozambique Government and the South African Government have presented them in public as a major breakthrough. The Foreign Secretary also believes it would be helpful if our Ambassador in Maputo could be authorised to inform President Machel that a warm message had indeed been sent to President Botha, and to say that the Prime Minister had asked him to convey her personal best wishes on this development to him too.

The South African Ambassador has separately indicated to us that a message on the ceasefire would be helpful in our difficulties over Durban, particularly if it was public. President Machel is also clearly keen for some public sign of support. The Foreign Secretary sees no need to make any text public but believes it might be valuable if we were to tell the press here that the Prime Minister had been in touch with both President Botha and Machel to indicate her support for developments which could contribute to peace and economic prosperity in the region.

*Yours ever,*

*Colin Budd*

(C R Budd)  
Private Secretary

C D Powell Esq  
10 Downing Street

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H. STEEL, CMG OBE  
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

Sir John Freeland, KCMG  
Legal Adviser  
Foreign and Commonwealth Office  
London SW1

9 October 1984

*Dear John,*

ARMSCOR CASE AND DURBAN CONSULTATE

I am writing to record the outcome of George Carman's further call on the Attorney General yesterday afternoon and to ask for very early comments, from you and the other recipients <sup>of this letter,</sup> to certain specific points. Since one of these points is essentially a Home Office responsibility, I am adding Jim Nursaw to the list of addressees; and I am sending him copies of my letters of 4 and 5 October, and also Arthur Jeddere-Fisher's minute to his Chairman of 5 October, as a sort of "new readers begin here" introduction.

Yesterday's meeting started off by the Attorney General giving Carman the answers on <sup>the</sup> three points covered in my letter of 5 October. As regards the third of them, i.e. possible charges against other South Africans connected with Armscor, the Attorney General said what he was authorised to say by Arthur Jeddere-Fisher's minute of 5 October and he made it clear that he was picking his words carefully so as to give no commitment about anything which might emerge in the future. Carman took careful note.

Carman then reported that, after his call on the Attorney General last week, he went to see the South African Ambassador on Friday. The Ambassador was accompanied by Heunis. Carman described them as



- page two -

being "very hawkish". He did not tell us how much of his discussion with the Attorney General he reported to them but he did describe himself as having done his best to warn them of the damage that would be caused by a refusal to return the four Armscor defendants. He said that, despite this, he understood that the South African Cabinet met on Sunday and took a firm decision that the four men should not be returned (irrespective, probably, of what now happened in Durban) and that he, Carman, should be instructed to run the "reprisals" point in the court proceedings as hard as he could.

Carman then said that he had had further contact with the Embassy that day (i.e. yesterday) and had gathered that the South Africans were now extremely incensed about what was going on in the Consulate. They had had a report that television equipment had somehow been smuggled into the Consulate and was being used to give the three fugitives propaganda facilities. In their view, the Consulate premises were being used for purposes which were not consular purposes. This was an active, and no longer a merely passive, abuse.

Having delivered himself of all this, Carman then - and, as I think, inconsequentially - put a number of concrete points to us about the handling of the case in the magistrates court.

The first was the possibility of some sort of deal whereby the South Africans would revoke all six detention orders (and he emphasised "all six") if we would agree to compound the charges against the four Armscor defendants. The Attorney General made it clear that this was not a starter. The Commissioners of Customs and Excise had made their decision on compounding after full consideration of the facts and nobody would now seek to persuade them to alter it.

Carman's next question was whether, if the four defendants returned to this country and appeared in court on 22 October, there would be any



- page three -

opposition to their being released on bail on the same terms as before, i.e. their being left at liberty in this country. The Attorney General said that he thought that we would have no reason to oppose this but he would seek confirmation. He pointed out, however, that we could not answer for the court.

Carman's next question was whether there would be any problem about arranging an early trial. The Attorney General said that it would be for the defence to apply for this but he thought that the prosecution would then support it or at least not oppose it. But again he said he would get this confirmed.

Carman then asked, but not with any conviction, whether we could give any sort of assurance that there would be a non-custodial sentence. The Attorney general gave this very short shift, making clear that there was no way in which he or anybody else would seek to influence the court in this matter.

Next, Carman asked if we could give some sort of assurance that, if there was a custodial sentence, the four defendants would be deported immediately upon the conclusion of the trial, so that they did not have to serve their sentence. He explained that the South African Foreign Minister, having taken a public position that the four would not be returned, would come under intense criticism if, having climbed down from that, he appeared to be responsible for sending them back to serve a term of imprisonment here. The Attorney General explained that what could be involved in this would be the Home Secretary remitting the sentence which had just been imposed by the court. This would be a very drastic thing to do and he could certainly give no undertaking on behalf of the Home Secretary. He doubted very much whether the Home Secretary would himself feel able to give such an undertaking - or indeed would think it right to take the action proposed, quite apart from any question of undertakings. But again he said we would seek confirmation of the position.

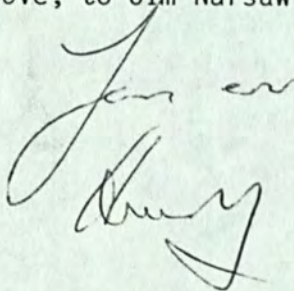


- page four -

Finally, Carman asked whether there could be any assurance of immunity from prosecution for the directors of Ammscor in respect of any offences which they might have committed. The Attorney General said that he could give no such assurance about matters which might subsequently come to light but reminded Carman of what he had said about there being no current investigations in this area.

I should be very grateful for your and Arthur Jeddere-Fisher's very early comments on Carman's various points so far as they respectively concern you. I should also be grateful for Jim Nursaw's comments on the deportation point. Carman said that he would like to have our response within the next couple of days and I promised to do our best to meet this requirement.

I am copying this letter to Arthur Jeddere-Fisher in Customs and to Charles Powell in No.10 and also, with the enclosures I have mentioned above, to Jim Nursaw in the Home Office.

A handwritten signature in cursive script, appearing to read 'H. Steel', is written over the typed name.

H STEEL



F 9 OCT 1964

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3 4



MEMORANDUM CONCERNING THE HISTORY OF THE CASE OF THE FOUR SOUTH AFRICANS WHO HAVE BEEN CHARGED WITH CONTRAVENTIONS OF UNITED KINGDOM CUSTOMS AND EXCISE LEGISLATION AND CONCERNING UNITED KINGDOM COMPOUNDING PROCEDURE.

During March 1984 four South African and three British nationals were charged by H.M. Customs and Excise officials with alleged offences in terms of section 170(2) of the United Kingdom Customs and Excise Management Act of 1979 by being knowingly concerned in the exportation of goods with the intent to evade the prohibition imposed by the Export of Goods (Control) Order of 1981. A fourth British national was subsequently charged with a similar offence.

No objection to bail was raised in respect of any of the four British defendants, although substantial sureties were sought. In the case of the four South Africans, however, bail was opposed, inter alia on the basis that they have ties with a South African company with semi-Government links and were therefore likely to abscond.

On 9 April 1984 a bail application, backed by certain assurances of the South African Government designed to enable the Court to treat the South African nationals on an equal footing with the British nationals, was made in the Coventry Magistrate's Court. The application was contested but successful.

On 22 May 1984, a Judge in Chambers reversed a decision by the Coventry Magistrate's Court and granted an application, which was also contested, for the variation of the conditions of bail so as to allow the four South Africans to return to South Africa for a specified period of time. The South African Government again gave certain assurances to the Court including the assurance that the four would comply with their conditions of bail. This they have done with



meticulous care and have subsequently returned to the United Kingdom for a Court appearance.

Without prejudice to the question of the guilt or innocence of the four gentlemen concerned and in order to afford them the opportunity to decide whether it may not be in their interest to accept an offer to compound the proceedings against them rather than to go through the costly, time consuming and, given the fact that they reside and work in South Africa, extremely inconvenient exercise of establishing their innocence, an official of the Department of Foreign Affairs approached the Foreign and Commonwealth Office on a number of occasions in an effort to persuade them to prevail upon H.M. Customs and Excise to make such an offer. Up to now such an offer has not been forthcoming.

Section 152(a) of the Customs and Excise Management Act of 1979 provides that:

As given by  
memo to D. Taylor  
24 August.

"(T)he Commissioners (of Customs and Excise - see section 1(1)) may, as they see fit -

(a) stay, sist or compound any proceedings for an offence or for the condemnation of anything as being forfeited under the customs and excise Acts;"

The application of this provision was explained by the Honourable Mr Hayhoe on 25 April 1984 in response to a Parliamentary question as to the criteria applied by the Commissioners in deciding whether to compound proceedings under Section 152 of the said Act. Mr Hayhoe replied as follows:

"The commissioners do not prosecute, nor apply other



main sanctions such as compounding, unless there is a clear prima facie case. The decision whether to prosecute or to offer to compound proceedings is taken on the merits of each case. The general factors taken into consideration are the gravity of the offence and the best interests of law enforcement and of the revenue. In view of the pressure on the courts and on departmental resources, it is the commissioners' policy to offer compounding whenever appropriate. If that offer is refused, they then proceed with the prosecution of the alleged offender."

In response to a follow-up question of the same date as to the total amount claimed by Customs and Excise (for each year since 1979) in cases which were subsequently compounded and as to the total amount actually received by the Exchequer in such cases after compounding, Mr Hayhoe, after giving the total sum of offers accepted in settlement of value added tax offences, responded as follows:

"A more detailed breakdown is not available and comparable information about other Customs and Excise cases is not held centrally. However, the aggregate sum of court fines and costs and Section 152 settlements can be found in appendix B of successive annual reports of the Commissioners of Her Majesty's Customs and Excise, copies of which are available in the House of Commons Library."

The said successive annual reports of H.M. Customs and Excise reveal that offers to compound proceedings approach the rule and only by way of exception have such offers not been made.

The question arises whether South Africans should be treated



on a different footing from other alleged offenders. The answer to this is to be found in Mr Hayhoe's response on 26 April 1984 (pursuant to his reply on 25 April 1984), when he replied as follows to a question whether the Chancellor of the Exchequer will stop the Board of the Customs and Excise compounding penalties in situations of omission of export licences of sales of arms to South Africa:

"No. The criteria which the Commissioners apply in deciding whether to compound were explained in the answer that I gave to my hon Friend the Member of Leicester, East (Mr Bruinvels) on 25 April 1984."

During his discussions with officials of the Foreign and Commonwealth Office it was intimated to the official of the South African Department of Foreign Affairs that there were political considerations which complicated matters.

In view of the stated policy that South Africans will be treated on the same footing as all other alleged offenders as well as the Honourable Prime Minister's response to a question in the House of Commons on 13 April 1984 when she stated inter alia, that it is not the Commissioner's practice to reveal details of compounded settlements, there ought to be no substance in this consideration. The Prime Minister subsequently reiterated this standpoint in response to another question.

It may be that the "serious nature of the alleged offence", in the words of Mr Ridout, who is the prosecuting officer in the case of the four South Africans, stand in the way of an offer to compound.

In this respect it should be noted that the value of the



goods allegedly involved in the alleged offence is less than £300,000. When compared to the amounts involved in cases with which the Commissioners are no doubt familiar, this amount is not at all significant. The four have also not been charged with the exportation of arms, but with the exportation of components allegedly capable of application in a weapon system.

The Foreign and Commonwealth Office has also indicated that it could not interfere with the judicial process.

The South African Department of Foreign Affairs approached the Foreign and Commonwealth Office on the basis that it was not expected of that Office to interfere in the administration of justice or the due process of law, but simply to persuade an executive organ of the state to exercise an executive discretion to the possible advantage of the four South Africans by affording them the opportunity to decide whether it would be in their interest to accept an offer to compound the proceedings against them.



South Africa PT 4

Belarus



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ZZ PRETORIA  
GRS 177  
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FROM FCO 081200Z OCT 84  
TO FLASH PRETORIA  
TELEGRAM NUMBER 262 OF 8 OCTOBER  
MIPT

1. NEWS DEPARTMENT WILL EMPLOY THE FOLLOWING DEFENSIVE LINE:  
WE HAVE NOTED THE COURT'S DECISION. WE SHALL NOW HAVE TO  
REVIEW THE SITUATION. IT IS UNCLEAR WHAT FURTHER PURPOSE IS  
SERVED BY THE THREE REMAINING IN THE CONSULATE.

(WHAT WILL YOU DO NOW? WILL YOU AWAIT AN APPEAL?)  
WE CANNOT COMMENT AT THIS STAGE.

(ONCE THE THREE HAVE BEEN TOLD OF OUR POSITION)

WE HAVE EXPLAINED TO THE MEN THAT THE BRITISH GOVERNMENT  
BELIEVE THAT ALL THAT COULD REASONABLY BE DONE HAS BEEN DONE,  
AND THAT WE CANNOT COUNTENANCE AN INDEFINITE STAY WHICH IS  
ALREADY DISRUPTING THE WORK OF THE CONSULATE. THE PROBLEMS  
CREATED BY THIS SITUATION ARE OBVIOUSLY INCREASING. IT IS  
ALSO DIFFICULT TO SEE WHAT USEFUL PURPOSE IS SERVED BY THEIR  
REMAINING IN THE CONSULATE.

(WILL YOU EVICT THEM)

OUR POSITION ON EVICTION HAS NOT CHANGED. BUT WE HAVE  
STRONGLY ADVISED THE THREE THAT THEY SHOULD LEAVE THE  
CONSULATE. WE HOPE THAT THEY WILL DO SO AS SOON AS POSSIBLE.

HOWE

[COPIES SENT TO NO 10 DOWNING STREET]

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MR J R J JOHNSON

CABINET OFFICE

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SOUTHERN AFRICA

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~~SECRET~~



Pushkar Johari  
Deputy High Commissioner

HIGH COMMISSION OF INDIA  
**INDIA HOUSE,**  
**ALDWYCH,**  
**LONDON, W.C.2.**

No. 575 /DHC/S/84

October 8, 1984

Dear Mr Powell,

In continuation of my letter  
No. 564/DHC/S/84 dated October 3, 1984 I am  
enclosing a sealed cover containing the  
signed letter from the Prime Minister of India  
to The Rt. Hon. Margaret Thatcher, Prime Minister  
of the United Kingdom.

See #7

Already seen  
P.S.  
P/K.

With regards

Yours sincerely,

( Pushkar Johari )

Mr Charles Powell,  
Private Secretary to the Prime Minister,  
10 Downing Street,  
London SW1

Encl: as above



FROM PRETORIA TO FCO

UNCLASSIFIED

TEL NO. 486 of 6 OCTOBER, 1984.

DURBAN SITUATION.

1. RAMCODIN, SEWPERSHAD AND NAIDOO WALKED OUT OF THE CONSULATE AT 11.30 LOCAL TIME TODAY (6OCTOBER). THEY GAVE NO PRIOR WARNING TO THE CONSULATE STAFF ALTHOUGH THE PRESS HAD HEARD THAT THE SIX MIGHT HAVE DECIDED TO LEAVE. IT IS NOT CLEAR HOW OR WHY THIS HAD LEAKED OUT.
2. THE MOVE HAD BEEN CAREFULLY PREPARED IN ADVANCE. A CAR WAS WAITING FOR THE THREE OUTSIDE THE BUILDING BUT POLICE INTERVENED TO PREVENT THEM FROM LEAVING AND TOOK THEM AWAY IN A POLICE VEHICLE. AT THAT STAGE DETENTION ORDERS HAD NOT BEEN SERVED. LAWYERS FOR THE THREE ARE TRYING TO ASCERTAIN WHY THEY WERE TAKEN INTO CUSTODY WHEN DETENTION ORDERS HAD NOT BEEN SERVED. THEY SUSPECT THAT ORDERS MAY HAVE BEEN WAITING AT THE POLICE STATION.
3. THE ATTORNEY ENGAGED BY THE SIX HAS TOLD US THAT THE THREE HAD INTENDED TO SPEND THE REST OF THE WEEKEND WITH THEIR FAMILIES AND THEN TO PRESENT THEMSELVES AT THE COURT ON MONDAY.
4. IT IS NOT CLEAR, IF THE POLICE HAD NOT INTERVENED WHETHER THE OTHER THREE WOULD ALSO HAVE LEFT. THE ATTORNEY HAS TOLD US, HOWEVER, THAT IN VIEW OF THESE DEVELOPMENTS THE OTHER THREE WILL NOT MOVE FROM THE CONSULATE AT PRESENT.
5. WE INFORMED THE DEPARTMENT FOR FOREIGN AFFAIRS IMMEDIATELY WE HEARD OF THIS DEVELOPMENT FOR THEIR INFORMATION. THEY WERE UNAWARE OF THE POLICE ACTION.
6. WE ARE TRYING TO ASCERTAIN FOR OUR OWN INFORMATION WHAT HAS HAPPENED TO THE THREE AFTER THEIR REMOVAL BY THE POLICE.

TONKIN.

*Send*  
*Mufaxed to*  
*Chequers 6.10.84*  
*JK.*



DMF C 024/06  
LPT138/06

Please advise L

No 10, D. St.

ZZ FOO

~~ADVANCE COPY~~  
**ADVANCE COPY**  
**FLASH**

11/19/06

[RC]

GRS250

UNCLASSIFIED

X9

PS(6)

PS} MR RIF

MR Johnson

HD SAFD

HD NEWS

FROM PRETORIA 061100Z  
TO FLASH FCO  
TELEGRAM NUMBER 406 OF 6 OCTOBER 1984

MY TEL NO 403 AND CONVERSATION ARCHER/RESIDENT CLERK:

DURBAN SITUATION

1. RANGODIN, SEWERSHAD AND NAIDOO WALKED OUT OF THE CONSULATE AT 11.30 LOCAL TIME TODAY (6 OCTOBER). THEY GAVE NO PRIOR WARNING TO THE CONSULATE STAFF ALTHOUGH THE PRESS HAD HEARD THAT THE SIX MIGHT HAVE DECIDED TO LEAVE. IT IS NOT CLEAR HOW OR WHY THIS HAD LEAKED OUT.
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3. THE ATTORNEY ENGAGED BY THE SIX HAS TOLD US THAT THE THREE HAD INTENDED TO SPEND THE REST OF THE WEEKEND WITH THEIR FAMILIES AND THEN TO PRESENT THEMSELVES AT THE COURT ON MONDAY.
4. IT IS NOT CLEAR, IF THE POLICE HAD NOT INTERVENED WHETHER THE OTHER THREE WOULD ALSO HAVE LEFT. THE ATTORNEY HAS TOLD US, HOWEVER, THAT IN VIEW OF THESE DEVELOPMENTS THE OTHER THREE WILL NOT MOVE FROM THE CONSULATE AT PRESENT.
5. WE INFORMED THE DEPARTMENT OF FOREIGN AFFAIRS IMMEDIATELY WE HEARD OF THIS DEVELOPMENT FOR THEIR INFORMATION. THEY WERE UNAWARE OF THE POLICE ACTION.
6. WE ARE TRYING TO ASCERTAIN FOR OUR OWN INFORMATION WHAT HAS HAPPENED TO THE THREE AFTER THEIR REMOVAL BY THE POLICE.

TONGIN



CONFIDENTIAL

CONFIDENTIAL

*Please advise to*

*No 10, D.S.T.*

FROM PRETORIA 051549Z

**ADVANCE COPY**

TO PRIORITY FCO  
TELEGRAM NUMBER 485 OF 5 OCTOBER 84

INFO ROUTINE WASHINGTON

MY TELNO 420 AND CONVERSATION ARCHER/CURRAN:

THE DURBAN CONSULATE

1. THE NATAL SUPREME COURT WILL DELIVER JUDGEMENT ON THE APPLICATION BY THE SIX ON 8 OCTOBER. MODERATE OPINION WOULD FAVOUR THE SIX THEN LEAVING THE CONSULATE. THEIR DURBAN ADVOCATE APPEARS TO FAVOUR THEIR STAYING ON IF THE JUDGEMENT IS ADVERSE.

*sent*  
*referred to*  
*Cherry*  
*6.10.84*  
*JL*

DETAIL

2. THE REGISTRAR OF THE SUPREME COURT HAS THIS AFTERNOON NOTIFIED THE ATTORNEYS FOR THE SIX THAT JUDGEMENT WILL BE DELIVERED IN PIETERMARITZBURG ON 8 OCTOBER. WE SHOULD HAVE DETAILS OF THIS BY LATE MORNING AND WILL TELEGRAPH DETAILS. IT MAY TAKE A LITTLE LONGER FOR THE SIX TO RESPOND. THEY WILL PRESUMABLY WISH TO DISCUSS THIS IN DETAIL WITH THEIR LEGAL ADVISERS.

3. THE LEGAL ADVISERS ALREADY KNOW THAT WE ARE HOPING THAT WHATEVER THE OUTCOME THE SIX WILL VOLUNTARILY WITHDRAW. IF THEY HAVE NOT MADE UP THEIR MINDS TO DO SO BY LATE ON MONDAY AFTERNOON, WE ASSUME THAT YOU WILL THEN PROBABLY INSTRUCT US TO MAKE THE FORMAL REPRESENTATIONS PROPOSED IN YOUR TELNO 246.

4. THE JUDGEMENT WILL RESULT IN A RESURGENCE OF PRESS INTEREST SINCE IT IS WIDELY ASSUMED THAT WE HAVE BEEN WAITING FOR THIS BEFORE TAKING ACTION. SUPPORT FOR THE SIX CONTINUING THEIR PROTEST IS WAINING. THERE ARE MURMURINGS AMONGST MODERATES IN SOUTH AFRICA THAT ENOUGH IS ENOUGH WHICH WE HAVE ENSURED REACH THE SIX AND THEIR LEGAL ADVISERS. WE HAVE ALLOWED THEM TO SEE WITH LEGAL ADVISERS ONE OR TWO INDIVIDUALS WHO SHARE THESE VIEWS. THE SIX ARE DISPIRITED BUT THEIR ADVOCATE, YACCOB APPEARS TO BE IN FAVOUR OF THEIR STAYING ON.

TONKIN

LIMITED  
S AF D  
NEWS D  
PUSD  
PLANNING STAFF  
PS  
PS/LADY YOUNG  
PS/MR RIFKIND  
PS/PUS

MR FERGUSSON  
MR JOHNSON  
SIR J FREELAND

COPIES TO:-  
MR EDWARDS LEGAL ADVISERS

CONFIDENTIAL



*With the Compliments  
of*

CDL 57x.

A. J. JEDDERE - FISHER

THE SOLICITOR  
H.M. CUSTOMS AND EXCISE  
KING'S BEAM HOUSE  
MARK LANE  
EC3R 7HE



# CONFIDENTIAL



CHAIRMAN

5 October 1984

ARMSCOR CASE AND THE DURBAN CONSULTATE

1. Attached is a letter from Henry Steel. I have not copied it and suggest it had better return to lie with the letter I showed you yesterday.
2. I have ascertained from Peter Cutting that there are currently no investigations going on involving any person believed to be connected with the South African Government or indeed any investigations concerning an offence of the Armscor kind. Peter Cutting will let me know should any investigation commence before 22 October. I have passed this information on to Henry Steel together with Cutting's comment that he hopes nothing will be done in these negotiations which would in any way prejudice the extremely cordial and successful co-operation which exists between this Department and the South African authorities in relation to their concerns to investigate the drug scene.
3. I most strongly approve of the arrangements for our Counsel, David Latham, to play a dual role so that he puts forward the HMG position on the political and the diplomatic privilege aspects separately from our prosecution role.
4. It seems that there is nothing further for us to do except to be grateful to the Attorney General for his assurances concerning the compounding aspect and to be ready to continue proceedings on 22 October against whomsoever should turn up.
5. I am copying this note to Sir John Freeland, Henry Steel and Charles Powell.

A JEDDERE-FISHER



S. AFRICA : Relations : Pol



CONFIDENTIAL



H. STEEL, CMG OBE  
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

5 October, 1984

*Dear John,*

THE ARMSCOR CASE AND THE DURBAN CONSULATE

I am writing to record, mainly for the benefit of the other recipients of this letter, what was decided when you (accompanied by David Edwards and Tony Reeve) came to see the Attorney General yesterday.

First, as regards Carman's request for an indication of what we intended to do about the "Durban six", it was agreed that, when he next came to see the Attorney General (which has now been fixed for 5.30 pm on Monday of next week), he should be told that we could give him no such indication of any kind.

Secondly, as regards the request that we should consider the possibility of compounding, Carman would be told that all the representations made by the South African Government on this matter had been brought to the attention of Customs and Excise; that they had decided that it was not possible to agree to compound; and that there was no possibility whatever of the Attorney General or any other Minister bringing any pressure on Customs and Excise to alter their decision. In this context, the Attorney General authorised him to assure Customs via Arthur Jeddere-Fisher - and I have done so - that they will be subject to no such pressure.

In relation to both the above matters, it was agreed that the Attorney General should say to Carman that we did not accept that there was any legitimate connection between what happened in Durban and the proceedings in the Armscor case.

/Thirdly,

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-2-

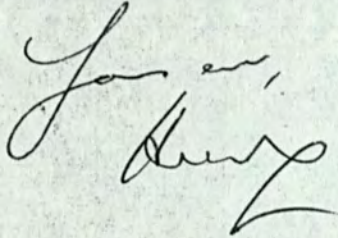
Thirdly, as regards Carman's question about possible charges against other South Africans connected with Armscor, it was agreed that there could be no question of giving anybody immunity for any offence that he might have committed and that Carman would firmly be told so. Customs and Excise could, however, be asked to make enquiries as to whether it was possible to say that, as of now and without any commitment for the future, no such charges were contemplated. If that was the case and if Customs saw no objection to its being said, the Attorney General would say it to Carman for what he might think it to be worth. If not, Carman would be told that we could say nothing on that matter for reasons which he would be expected to understand very well. I have explained all this to Arthur Jeddere-Fisher and he has promised to make the necessary enquiries but he has told me that he may well not be able to report the results in time for Monday's meeting with Carman.

Finally, we agreed that at the proceedings in the Magistrate's court on 22 October (and assuming that the four defendants remain absent), David Latham will be instructed to appear in a dual capacity. As counsel for Customs and Excise he will express no view on whether Mr. Pelser's surety should be enforced. But if Carman takes any point about waiver and the court invite Latham to express a view on that matter, or if Carman runs his international law argument about the relevance of what is happening in Durban to the question whether the surety can or should be enforced, David Latham should, as representing the Attorney General in his public interest role, put forward HMG's position. It was agreed that you would prepare the necessary instructions for him on this aspect of the case. Arthur Jeddere-Fisher has told me that he sees no need for Customs and Excise to be involved in the preparation of those instructions but he would like the chance to cast his eye over them, when they have been prepared, to make sure that there is nothing in them which would affect Customs and Excise. I should welcome the opportunity for Michael Saunders or myself to take part in the settling of the instructions and I think that it would be desirable for the Attorney General to have a chance to bless them in their final form.

/I



I am copying this letter to Charles Powell in No.10 and to Arthur Jeddere-Fisher in Customs.

A handwritten signature in cursive script, appearing to read 'H. Steel', written in dark ink.

H STEEL

Sir John Freeland KCMG  
Legal Adviser  
Foreign and Commonwealth Office  
Downing Street  
London, SW1A 2AL

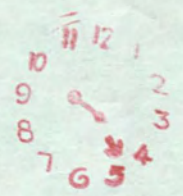




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1984







H. STEEL, CMG OBE  
LEGAL SECRETARY

LAW OFFICERS' DEPARTMENT  
ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

4 October, 1984

*Dear John,*

THE ARMSCOR CASE AND THE DURBAN CONSULATE

I have already given you on the telephone a first account of what happened yesterday afternoon when Mr. George Carman QC came to see the Attorney General. I am now writing to record, primarily for the benefit of the others to whom this letter is being copied, the essentials of what was said.

Carman is retained as leading counsel on behalf of the four South African defendants in the proceedings before the Coventry Magistrates and he is also retained to advise the South African Government on that case. He will presumably represent them and/or Mr. Pelser if it is necessary to make any representations to the court as regards Mr. Pelser's liability in respect of the surety that he gave when bail was granted.

Carman came to see the Attorney General at his own request, ostensibly (and to some extent actually) on the basis of a Member of the Bar consulting with the Leader of the Bar on the handling of a case which might take a turn that could present him with some professional embarrassment. But he recognised that the Attorney General also had an interest in the case as a member of the Government and as the legal adviser to his colleagues and that he would necessarily report what was said to his colleagues. Indeed, that was clearly part of Carman's purpose in asking for the interview. But the Member of the Bar/Leader of the Bar relationship gave Carman the opportunity to be more frank (not to say indiscreet) about certain aspects of the case than he would otherwise have been. He was therefore very insistent that, though the South African Government knew that he was coming, no word should get back to them from British sources of what he had actually said. The Attorney General gave him an assurance to that effect and he has asked me to ensure that all who see this letter are aware of the importance of scrupulously respecting Carman's confidence.



-2-

With the benefit of the papers which you and Arthur Jeddere-Fisher had kindly sent me, I knew something about the salient facts of the case, and what the relevant legal issues were, before Carman came, though I did not reveal that to him. But the Attorney General was not able to look at the papers beforehand and was therefore in a position to say truthfully to Carman that, for the most part, he would be able to only listen to what Carman had to say and to report it but would not be able to comment on it or to react to it at that stage. Carman accepted this without demur.

Carman gave the Attorney General what seemed to me to be a pretty detached and objective account of the Armscor case. He made no attempt to minimise the seriousness of the offences that had been committed or the involvement of the South African Government in them. As regards the bail issue, he specially drew the Attorney General's attention to the letter from the South African Ambassador that had been exhibited to Mr. Pelmer's affidavit and was therefore the basis upon which the bail conditions had been varied. He accepted fully the serious breach of good faith that would prima facie be entailed if the South African Government now failed to honour the assurances that were embodied in it. He indicated that he still hoped that it might somehow be possible for the South African Government to honour those assurances and he hinted that they might be looking for some way to do so which plausibly involved no loss of face.

If that were not possible and the four defendants did not return to this country on 21 October and appear in court on 22 October, he recognised that there would then be a very difficult problem about what the court should do as regards the enforcement of the surety that had been given. On the international law side of this problem he had consulted, on behalf of the South African Government, with Maurice Bathurst. Bathurst's advice had been that the British Government's actions with respect to the "Durban six" were at least arguably in breach of international law and that this, again at least arguably, entitled the South African Government, as an act of reprisal, to repudiate their undertakings concerning the return of the four Armscor defendants. Carman made it clear that the South African Government genuinely felt a strong sense of grievance about what had happened in Durban. He added that there was a chance that the South African authorities would,



-3-

so to speak, sharpen the issue in that respect by obtaining warrants for the arrest of the "Durban six" on straightforward criminal charges (probably treason).

As regards Mr. Pelser's position, Carman said that he (and presumably Bathurst) regarded the South Africans as having waived his immunity only for the purposes of standing surety and that it could be "re-invoked" in the context of a move to enforce the surety. But he and Bathurst recognised that this would be a very unmeritorious line to adopt in terms of the substance of the undertaking given to the court and his (Carman's) advice would be that it should not be adopted. However, he could not be sure that he would not be instructed to put that argument forward.

If he did not have to take the point on waiver, the line that he thought that he would be instructed to take was that the court ought, on the merits of the case, to decline to enforce the surety that Pelser had given. It was in this context that he would have to deploy the international law arguments and the contention that the British Government had acted in such a way as to justify the South Africans' resiling from their undertakings. I think that he saw this as being essentially a "plea in mitigation" but there seemed also to be some suggestion that he might argue that the court was somehow entitled or even bound to give effect to international law rights in his context.

It was here that he came to his concern about his own position as counsel. He feared that his instructions would be that he should deploy to the fullest extent the grievance of the South African Government about our actions in relation to the "Durban six" and that he would be asked, for example, to put before the court the recent exchange of aides-memoires and messages between the Prime Minister and the South African President. His worry was that there might come a point where, despite his duty to put the case on behalf of his clients as strongly as possible and in the way that they wished, he ought to decline to be a party to using the court and his position as counsel for what was really a political rather than a legal purpose. (I think that the fact that he would be acting as a Queen's Counsel to further an attack on the British Government by the Government of a foreign State



-4-

made him especially uncomfortable.) More generally, he was very unhappy at the prospect of the legal proceedings becoming the occasion of a heightening of the political temperature and the creation of even more ill-feeling and bad relations between the two Governments.

The Attorney General sympathised with Carman in his professional predicament but said that he had complete confidence in his judgment about how far he could properly go on his client's behalf. In effect, he would back whatever Carman did in that respect. But he would of course report Carman's general concern about the way in which the proceedings might go and their possible effect in making relations even worse.

This took Carman to the two points which - apart from his genuine concern about his own position and no doubt also a desire on behalf of his clients to make our flesh creep - seemed to be the principal purposes of his call. He reverted to the desirability of finding a way of allowing the South African Government to get off the hook of their repudiation of their undertakings in respect of the return of the four defendants. In this context he said, first, that it would be very helpful if he could be given, presumably for passing to them, some indication of what the British Government were going to do about the "Durban six". He needed to have this very soon because it could affect the way in which the South African Government comported themselves in relation to the Armscor proceedings. The Attorney General replied that this would be something that would have to be considered at the highest political level. He would report Carman's point to his colleagues but could not predict what their response would be. Secondly, Carman raised the possibility of Customs and Excise agreeing to compound the offences. I did not feel able to tell Carman there and then that I knew that Customs had already considered this and had decided that it would not be possible. But the Attorney General said - and Carman acquiesced in this - that it would be very difficult indeed to contemplate compounding in a case of this kind. Moreover, the Attorney General made very strongly the point that it would be quite improper for him or any other Minister to bring any pressure to bear on Customs and Excise to agree to compound for reasons other than ones intrinsic to the case. But the Attorney General said that we would explore the position and let Carman know the result.

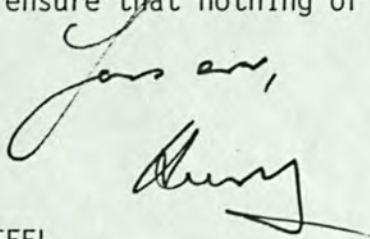


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Carman also raised one other point - I am not sure how seriously. He explained that there were a number of very senior South African officials or Service officers who were formally connected with Armscor and might be legally responsible for its activities. He said that there was some anxiety that, if the case against the present four defendants was pursued, these other South Africans might also be at risk of being charged with criminal offences in this country if they came within the jurisdiction and might therefore find themselves arrested if they came here on other business or even if they touched down at Heathrow while in transit. It would help if some assurance could be given that this would not happen. The Attorney General said, without commitment, that we would have this looked into.

At the end of the discussion, it was left that we would arrange for Carman to come and see the Attorney General again at a very early date, probably next Monday, by which time we would have reported what he had said yesterday and would hope to be in a position to give him a response. You (and perhaps some of your FCO colleagues) are coming over to talk to the Attorney General about it this afternoon. May I suggest that at some point there may also be a need for the Attorney General to have a consultation with you and Arthur Jeddere-Fisher (and perhaps also David Latham who will appear for Customs and Excise at the Magistrate's Court on 22 October) about the line which Latham should take if there is indeed argument about the enforcement of Mr. Pelser's surety.

I am copying this letter to Charles Powell in NO.10 and to Arthur Jeddere-Fisher in Customs. May I, at the risk of being tedious but out of a sense of obligation to Carman, remind everybody again about the need to respect Carman's confidence and ensure that nothing of what he told us gets back to the South Africans.

  
H STEEL

Sir John Freeland KCMG  
Legal Adviser  
Foreign and Commonwealth Office  
London, SW1



4 OCT 1984







*Fleto*

10 DOWNING STREET

*From the Private Secretary*

3 October 1984

DURBAN SIX

*BF*  
I enclose a copy of a letter to the Prime Minister on this subject from Mrs. Gandhi. I should be grateful for a draft reply.

CHARLES POWELL

Colin Budd, Esq.,  
Foreign and Commonwealth Office.

1..

*CB*



In Africa  
Notes



010  
SECRET/BY HAND



Pushkar Johari  
Deputy High Commissioner

HIGH COMMISSION OF INDIA  
**INDIA HOUSE,**  
**ALDWYCH,**  
**LONDON, W.C.2.**

No. 564/DHC/S/84

October 3, 1984

Dear Mr. Powell,

I am enclosing the text of a letter dated September 27, 1984 from the Prime Minister of India Shrimati Indira Gandhi to the Prime Minister of the United Kingdom, The Rt. Hon. Margaret Thatcher, with a request that it may kindly be placed before the Prime Minister. The original signed letter from my Prime Minister will follow shortly.

See  
South Africa  
files  
A3

With best wishes.

Yours sincerely,

( Pushkar Johari )

Mr. Charles Powell,  
Private Secretary to  
the Prime Minister,  
10 Downing Street,  
London SW1

Encl: as above

~~Prime Minister~~  
Message from  
Mrs. Gandhi on the  
Durban detainees. Reply  
in preparation.

CJP  
3/x.



CONFIDENTIAL

MFS AFK



10 DOWNING STREET

*From the Private Secretary*

3 October 1984

Detainees in the Durban Consulate

Thank you for your letter of 2 October. As I informed you by telephone this morning the Prime Minister is content with the proposed instructions to the Embassy in Pretoria enclosed with your letter, subject to the following amendment to the second and third sentences of paragraph 2:-

"We agree that in this eventuality, you should make it clear that we could not justify their presence in the Consulate any longer. We would hope therefore that they would leave at once ....."

Charles Powell

Len Appleyard Esq  
Foreign and Commonwealth Office

CONFIDENTIAL





Prime Minister Foreign and Commonwealth Office

London SW1A 2AH

2 October 1984

I think it must be right to precipitate their departure once the Supreme Court has pronounced, even if only by gradual pressure.

Agree the proposed instructions?

as slightly amended *CD P2/x.*

Dear Charles,

Durban

The Natal Supreme Court may pronounce judgement later this week, possibly on 3 October, on the application by the six South African opposition leaders currently in the Consulate in Durban for invalidation of the detention orders against them. We have considered carefully how we should react if the decision is favourable to the six, or if (as seems more likely) it is unfavourable.

The Foreign Secretary believes that a favourable court judgement, which removes the threat of detention orders over the six, would represent an important opportunity to bring the Durban problem to a close. The six have already told us informally that they would probably want to leave in this circumstance anyway. But we should in any case make clear to them that we could not justify their continued presence in the Consulate any longer and that we therefore hoped that they would leave at once. We would of course face an awkward situation should the six decline to go, perhaps because the South African Government had announced its intention to appeal against the court's decision. In those circumstances the Foreign Secretary's inclination is that we would be justified in using all reasonable means to persuade them to leave.

A number of options are open to us in the event of an unfavourable court decision. First, we could decide simply to permit the six to stay, taking no further action ourselves beyond moral persuasion to bring the problem to an end. But we would be in an increasingly weak position legally, and our commitment to the six would be open-ended. This would also lead to a further deterioration in our bilateral relations which are already severely strained. The Foreign Secretary therefore thinks that this option must be rejected. The two remaining options we have identified are, secondly, a combination of increasing pressure on the six and a phased run-down of our Consulate leading ultimately to its temporary closure; and, thirdly, a decision to permit the six to stay until they had exhausted the legal process by appealing to the

/South





South African Supreme Court. Once the outcome of that appeal was known, they would have to leave.

The Foreign Secretary considers that the second option presents less difficulty than the third. In the case of the third option, the further appeal could take months, during which time our legal position would become much more difficult and our relations with South Africa would further deteriorate. Moreover, at the end of the process we might still have to hand the six over to the South African authorities, which would conflict with our earlier commitment not to require them to leave against their will. Nonetheless, this option is generous to the six in terms of time and an easy concept to explain to public opinion.

The second option has the advantage that the time scale for closing the Consulate remains in our hands and can be controlled as we see fit, depending largely on public reaction to the various steps which will precede final closure. Each of these steps would be designed to increase the pressure on the six to go and we can expect to have arguments with them which would no doubt lead to wider criticism. On the other hand, each step holds out the possibility that the six may decide to leave of their own accord. The criticism at any one time is likely to be of limited duration. Above all, this procedure avoids an open-ended commitment to the six, and offers a certain conclusion to the problem.

The Foreign Secretary therefore favours the second option. He recognises that neither option in the event of an unfavourable court decision is easy, and each will incur some public criticism. But he believes that by careful handling of the public dimension, and persistent persuasion of the six, we can still minimise the damage. We cannot of course allow for the South African Government's actions, which have proved unpredictable. They are now in a calmer mood, but we still cannot expect them to help us find a solution.

There is a further timing point to which the Foreign Secretary attaches importance. The publicity which might occur if the six are asked to leave, whether the verdict is favourable or unfavourable, would be greatly increased if this happened during the Labour Party Conference this week. The Foreign Secretary thinks there would be advantage in deferring implementation if we can until 5 or 6 October.

I attach a draft telegram to Pretoria reflecting the considerations set out above. The Foreign Secretary will be looking at it in parallel in Luxembourg. If the Prime Minister and Foreign Secretary approve the instructions we would propose to despatch the telegram first thing tomorrow with an amendment,

/if



CONFIDENTIAL



if the Prime Minister agrees, to take account of the timing point in the preceding paragraph.

*Yours ever,*

*Len Appleyard*

(L V Appleyard)  
Private Secretary

C D Powell Esq  
10 Downing Street

CONFIDENTIAL



# OUT TELEGRAM

		Classification and Caveats <b>CONFIDENTIAL</b>	Precedence/Deskby <b>IMMEDIATE</b>
ZCZC	1	ZCZC	
GRS	2	GRS	
CLASS	3	CONFIDENTIAL	
CAVEATS	4		
DESKBY	5		
FM FCO	6	FM FCO	
PRE/ADD	7	TO IMMEDIATE PRETORIA	
TEL NO	8	TELEGRAM NUMBER	
	9	YOUR TELNO 444: SITUATION IN THE DURBAN CONSULATE	
	10	1. We have considered carefully what we should do if the	
	11	judgement of the Natal Supreme Court is favourable to the six, and	
	12	if it is unfavourable.	
	13	2. A favourable decision opens an acceptable route to a solution	
	14	of the Durban problem. We agree that in this eventuality, you	
	15	should require the six to leave. We would hope <sup>that</sup> they would <del>do so</del>	
	16	at once, but for your information we might be prepared to give	
	17	them 24 hours in which to leave voluntarily. You would need to	
	18	explain to the six that in this new situation, where they no	
	19	longer faced re-detention, we could not defend in public, on legal	
	20	or political grounds, their continued presence in the Consulate.	
	21	You should stress in particular that we could not tolerate the use	
///	22	of Consulate premises purely for a political demonstration, which	
//	23	is what their presence would then amount to.	
/	24	3. An unfavourable decision by the Natal Supreme Court would be	
	25	much more difficult to deal with. We recognise the advantages	
NNNN ends telegram		BLANK	Catchword of
File number	Dept SAFD	Distribution Private Office SAFD PS/Lady Young Mr Johnson Mr Fergusson	
Drafted by (Block capitals) A REEVE			
Telephone number 233-5189			
Authorised for despatch		<i>It make it clear that we could not justify their presence in the Consulate any longer.</i>	
Comcen reference	Time of despatch		

*in consultation with our underlings*



OUT TELEGRAM (CONT)

Classification and Caveats  
CONFIDENTIAL

Page  
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1 <<<<  
 2 of a swift move to require the six to leave at once in this  
 3 eventuality too but conclude that we must reject the idea since  
 4 we would be seen as reneging on our commitment not to require the  
 5 six to leave against their will.  
 6 4. We have considered the two main alternatives (ruling out any  
 7 action to permit the six to stay without conditions). These  
 8 seem to be:  
 9 (i) a steady increase of pressure on the six involving  
 10 if necessary the phased run-down and (temporary)  
 11 closure of the Consulate;  
 12 (ii) agreement to the continued presence of the six  
 13 until any appeal against the Natal Supreme Court  
 14 decision has been heard, but making clear that no  
 15 protection could be offered after that irrespective  
 16 of the outcome.  
 17 5. On balance we prefer the first of these. We see this being  
 18 implemented as follows. Immediately after an unfavourable  
 19 decision we would explain to the six and announce publicly that  
 20 we had done all we could in the circumstances and we believed  
 21 no useful purpose would be served by their continued presence in  
 22 the Consulate which was causing us increasing and very serious  
 23 difficulty. We therefore strongly advised the six to leave  
 24 voluntarily. However we would stop short of compelling them to  
 25 do so; and if they specifically ask whether we were evicting them,  
 26 we would have to say no. On the assumption that they declined to  
 27 go, the second step would be a further statement (perhaps a week  
 28 later) to the effect that if the situation continued much longer  
 29 we should necessarily have to run the work of the Consulate down  
 30 and possibly close it altogether; but again without a deadline.  
 31 Step three, after a further period, would be to put the Consulate  
 32 on a care and maintenance basis, eg by laying off <sup>(for a time.)</sup> local staff  
 33 Step four would be <sup>temporary</sup> closure of the premises, and possibly the  
 34 transfer of the Consulate's function to another <sup>(for a period.)</sup> building

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NNNN ends telegram	BLANK	Catchword 6.
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OUT TELEGRAM (CONT)

	Classification and Caveats CONFIDENTIAL	Page 3
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6. Any position in which we effectively give the six no option but to leave is going to attract unfavourable publicity. But the option proposed does at least allow us to vary the timescale, depending largely on the public reaction at each step. Moreover, it enables us to signal clearly to the South Africans as well as to the rest of the world that we wish to bring the situation to an end. This in itself may assist the six to make up their minds to leave voluntarily.  
7. We should be grateful if you would telegraph immediately when the decision is known and before taking action. We would anticipate sending you a flash trigger telegram reflecting the above instructions though we may want you to defer action until the weekend. Until the appeal court's decision is announced you should continue your efforts to persuade the six to leave voluntarily.

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TO IMMEDIATE FCO

TELEGRAM NUMBER 444 OF 01 OCTOBER

INFO PRIORITY UKMIS NEW YORK, WASHINGTON./

MY TELNO 436:- SITUATION IN THE DURBAN CONSULATE

SUMMARY

1. THE REQUIREMENT FOR MEMBERS OF THE SIX TO APPEAR IN COURT ON TUESDAY HAS BEEN DROPPED. CONTINUING ATTEMPTS TO GET THE SIX TO LEAVE VOLUNTARILY HAVE NOT MET WITH SUCCESS. THE SIX HAVE APPEALED TO OTHER MISSIONS FOR REFUGE. WE NEED INSTRUCTIONS ON HOW TO DEAL WITH CERTAIN CONTINGENCIES IF THE SIX STAY PUT.

DETAIL

2. WE LEARNT THIS MORNING FROM THE SIX'S LAWYERS AND FROM P.I.K. BOTHA'S OFFICE THAT THE ATTORNEY GENERAL HAD DROPPED THE CHARGES AGAINST 46 DEFENDENTS INCLUDING SEWPERSADH, NAIDOO AND RAMGOBIN (WHOM WE HAD DISCOVERED DURING THE WEEKEND WAS ALSO AFFECTED) WHICH WOULD HAVE NECESSITATED THEIR APPEARING IN THE DURBAN COURT ON TUESDAY ON CHARGES UNDER SECTION 57.1 (C) OF THE INTERNAL SECURITY ACT. THE DEFENDENTS HAD BEEN CHARGED FOR THEIR PART IN DEMONSTRATIONS LAST NOVEMBER. THEIR DEFENCE HAD BEEN THAT THEY WERE DOING NO MORE THAN HOLDING UP PLACARDS AND THAT THEIR ACTIVITY HAD NOT BEEN ILLEGAL. IT MAY BE THAT THE GOVERNMENT CONCLUDED THAT TO PURSUE THE CASE MIGHT NOT BE PROFITABLE IN VIEW OF THE APPARENTLY FLIMSY CHARGES.

3. THIS REMOVES WHAT WOULD HAVE BEEN A POTENTIALLY EMBARRASSING SITUATION TO US IF THE THREE OF THE SIX CONCERNED HAD DECLINED TO PUT IN AN APPEARANCE IN COURT.

4. THE SIX HAD BEEN URGENTLY CONSIDERING THEIR SITUATION IN THE CONTEXT OF THE TUESDAY COURT CASE. THEY ARE NOW UNLIKELY TO MAKE ANY MOVE UNTIL THE FINDINGS OF THE JUDGES ON THEIR APPLICATION AGAINST DETENTION ORDERS ARE DELIVERED. THEIR LAWYERS BELIEVE THAT JUDGEMENT MAY BE HANDED DOWN ON 3 OCTOBER.

5. IN A DEVELOPMENT APPARENTLY RELATED TO REPRESENTATIONS THAT WE HAD MADE TO THE SIX ABOUT OUR CONCERN OVER THE IMPENDING COURT CASE, THE SIX HAVE ASKED THE US, FRENCH, GERMAN AND DUTCH EMBASSIES TO ALLOW REFUGE ON CONSULAR PREMISES IN DURBAN. IT SEEMS UNLIKELY THAT ANY OF THE FOUR GOVERNMENTS WILL REPLY TO THIS APPROACH. THE AMERICANS HAVE STATED PUBLICLY THAT THEY HAVE REFERRED THE APPROACH TO WASHINGTON. COMMENTING ON THIS TO THE SABC THIS MORNING, THE SOUTH AFRICAN FOREIGN MINISTER SAID THAT WERE THE US GOVERNMENT TO ACCEDE TO THIS REQUEST THEY WOULD BE PUTTING THEMSELVES IN BREACH OF THE LAW.

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6. WE HAVE BEEN CONTINUING TO TRY TO GET THE SIX TO AGREE TO LEAVE THE CONSULATE VOLUNTARILY. IT HAS BEEN A FRUSTRATING WEEKEND. THE SIX MADE IT PLAIN ON SATURDAY THAT THEY WOULD NOT COME TO A DECISION THEMSELVES AND SUGGESTED THAT IT WOULD BE NECESSARY FOR THE FULL EXECUTIVE OF THE NATAL INDIAN CONGRESS TO MEET BEFORE ANY FINAL DECISION WAS MADE. WE SPOKE TO VARIOUS MEMBERS OF THE EXECUTIVE WHO AGREED TO TRY TO ASSEMBLE THE EXECUTIVE BUT THIS HAS NOT HAPPENED. WE HAVE BEEN TOLD THAT ONE OF THE PROBLEMS WAS THAT A NUMBER OF THE MEMBERS WERE ARRESTED DURING A PROTEST RALLY AT PORT SHEPTON IN NATAL AND THAT OTHERS SPENT THE WEEKEND TRYING TO GET THEM RELEASED ON BAIL. THIS MAY WELL BE NO MORE THAN AN EXCUSE.

7. IN A SEPARATE DEVELOPMENT THE AFRIKAANS SUNDAY PAPER RAPPORT ALLEGED IN AN ARTICLE THAT THE SIX HAD BEEN INCENSED THAT I HAD SUGGESTED THAT THEY SHOULD LEAVE THE CONSULATE IN A BLAZE OF PUBLICITY LAST THURSDAY EVENING. THIS IS A REFERENCE TO A TELEPHONE CONVERSATION BETWEEN THE HEAD OF CHANCERY AND GUMEDE WHEN ARCHER POINTED OUT THAT DR NAUDE'S VISIT WOULD BE ATTRACTING ATTENTION AND ASKED WHETHER THE SIX HAD COME TO ANY CONCLUSION ABOUT LEAVING THE CONSULATE. WE HAVE NOT BEEN GIVEN ANY INDICATION THAT THE SIX WERE ANNOYED BY THIS APPROACH.

8. ACCORDING TO LOCAL PRESS REPORTS YACOOB, THE MEMBER OF THE NIC WHO HAS BEEN LOBBYING IN BRITAIN AND NEW YORK, WILL BE RETURNING TO SOUTH AFRICA LATER TODAY. REPORTS SUGGEST THAT HE HAS INDEED MISREPRESENTED HIS CASUAL ENCOUNTER WITH THE UN SECRETARY GENERAL AS BEING A FORMAL MEETING WITH THE UN SECRETARY GENERAL. HIS RETURN TO DURBAN IS LIKELY TO BE UNHELPFUL.

#### COMMENT

9. I SHOULD BE GRATEFUL FOR EARLY INSTRUCTIONS ABOUT THE ATTITUDE THAT WE SHOULD TAKE IN THE EVENT THAT OUR EFFORTS TO GET THE SIX TO LEAVE VOLUNTARILY ARE UNSUCCESSFUL IN THE FOLLOWING SITUATIONS:

(A) WHAT ARE WE TO DO ABOUT (I) THE INDECISION BY THE NIC EXECUTIVE AND (II) YACOOB'S RETURN? IT WOULD SEEM TO US TO BE ENTIRELY LEGITIMATE TO BE MORE RESTRICTIVE ABOUT WHOM WE ADMIT TO SEE THE SIX. WE CAN TAKE THE LINE THAT SINCE THE SIX HAVE APPARENTLY BEEN ABLE TO MANAGE THEIR LEGAL REPRESENTATIONS BY BRIEFING THE TEAM IN DURBAN AND JOHANNESBURG WHILE YACOOB IS AWAY, THERE SEEMS TO BE NO NEED TO ADMIT FURTHER LEGAL ADVISERS AND THAT MOREOVER SINCE THE NIC EXECUTIVE HAVE BEEN UNABLE TO MEET WE CANNOT NOW SEE ANY PURPOSE SERVED BY ALLOWING FURTHER MEMBERS OF THE EXECUTIVE ACCESS TO THE CONSULATE. WE SHOULD UNDOUBTEDLY BE CRITICISED FOR SUCH AN ATTITUDE, BUT IT MIGHT HELP TO UNDERLINE THAT WE ARE LOOKING FOR URGENT DECISIONS

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(B) WHAT SHOULD WE DO ONCE THE NATAL BENCH HAS HANDED DOWN THE JUDGEMENT ON THE APPLICATION BY THE SIX? AS SEEN FROM HERE, IF THE SIX DO NOT THEN LEAVE, THEIR PRESENCE WOULD BECOME MUCH MORE EXPLICITLY A POLITICAL DEMONSTRATION. MOREOVER, IF THEY DO NOT GO THEN IT WOULD APPEAR AS IF WE ARE LIKELY TO BE IN FOR A VERY LONG HAUL INDEED. CAN YOU AGREE THAT WE SHOULD REPRESENT TO THE SIX WITH BACKING FROM LONDON THAT WE EXPECT THEM TO LEAVE VOLUNTARILY AS SOON AS THE COURT JUDGEMENT IS AVAILABLE, IRRESPECTIVE OF ITS FINDING?

10. AS SEEN FROM HERE, THE NIC ARE DIVIDED AND PROBABLY WISH TO EXPLOIT THE PRESENT SITUATION PRIMARILY FOR POLITICAL PURPOSES. THE ONLY CHANCE OF GETTING THE SIX OUT IN THE NEAR FUTURE IS LIKELY TO BE IF WE ARE NOW RATHER MORE FIRM WITH THEM.

TONKIN

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**PART** 3 ends:-

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**PART** 4 begins:-

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