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DESKBY 221100Z

FM PRETORIA 220955Z SEP 84

TO IMMEDIATE FCC

TELEGRAM NUMBER 400 OF 22 SEPTEMBER

INFO PRIORITY MAPUTO (FOR PS MR RIFKIND)

INFO SAVING JOHANNESBURG

YOUR TEL NOS 216 AND 217 : DURBAN INCIDENT

SUMMARY

1. THE SOUTH AFRICANS HAVE SAID LITTLE IN PUBLIC ABOUT YESTERDAYS EXCHANGES IN LONDON. THE ACTIONS ON BEHALF OF THE SIX ARE INCREASINGLY POLITICAL. THIS PRESENTS PROBLEMS FOR OUR ATTITUDE TO THEM.

DETAIL

2. THE SOUTH AFRICANS HAVE SO FAR LIMITED THEMSELVES, IN BRIEFING THE PRESS HERE TO CONFIRMING THAT THERE HAS BEEN A MEETING WITH YOU IN LONDON AND THAT THE SOUTH AFRICANS ARE STUDYING OUR RESPONSE. WE HAVE CONTINUED TO MAINTAIN AS LOW A PROFILE AS POSSIBLE : I HAVE NOT VISITED DURBAN.

3. THE INDICATIONS ARE THAT THE COURT ACTION WILL NOT HELP TO BRING THINGS TO A QUICK RESOLUTION (MY TEL NO 394). THERE IS NO SIGN IN DURBAN THAT THE SIX ARE THINKING OF ANY EARLY MOVE. AS WE REPORTED IN MY TEL NO 347 THEY SEE THEIR PRESENCE INCREASINGLY AS SYMBOLIC. THEY WILL HAVE BEEN ENCOURAGED IN THEIR ACTION BY LOCAL PRESS COMMENT WHICH HAS MOSTLY BEEN ON THE LINES OF THE ARTICLE REPORTED IN MY TEL NO 324. IN THE FIRST SUBSTANTIVE PRESS COMMENT ABOUT BRITISH ATTITUDES, THE RAND DAILY MAIL TODAY (TEXT IN MIFT) CONCLUDES THAT THE ACTION OF THE SIX HAS BEEN SUCCESSFUL IN PUTTING THE UDF ON THE MAP AS THE REAL OPPOSITION TO THE SOUTH AFRICAN GOVERNMENT.

4. I ASSUME THAT YOU WILL BE LETTING ME HAVE YOUR COMMENTS ON WHETHER WE ACCEPT THE SOUTH AFRICAN ARGUMENTS IN THE AIDE MEMOIRE ABOUT THE LIMITATIONS ON WHAT FUNCTIONS MAY PROPERLY BE CONDUCTED FROM CONSULAR PREMISES. OUR CONSUL IN DURBAN HAS RECEIVED NO REQUESTS OF ANY NATURE FROM THE AUTHORITIES BUT MAY DO SO IF THE COURT REJECTS THE APPEAL BY THE SIX. WE HAVE HAD SOME INDICATION FROM LEGAL CONTACTS THAT THE JUDGES MAY TAKE SOME TIME TO PRODUCE THEIR JUDGEMENT. IF ASKED TO ADMIT SOUTH AFRICAN GOVERNMENT LAW OFFICERS, I HAVE INSTRUCTED DAVEY TO REFUSE ON THE GROUNDS THAT THE PREMISES ARE INVIOLEABLE. THE POLICE PRESENCE OUTSIDE THE BANK BUILDING HAS BEEN MORE IN EVIDENCE SINCE YESTERDAY.

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5. YOU WILL WISH TO TAKE INTO ACCOUNT IN DECIDING ON A RESPONSE TO THE SOUTH AFRICANS THAT THE DAILY CONSULTATIONS BETWEEN THE SIX, THEIR LAWYERS FAMILIES AND CHURCH VISITORS ENABLE THEM TO PASS OUT MESSAGES OF A POLITICAL NATURE AND THAT THE REPRESENTATIONS ON THEIR BEHALF TO GOVERNMENTS AND BODIES THROUGHOUT THE WORLD ARE NOT LIMITED TO REQUESTS FOR HELP IN HAVING THEIR DETENTION ORDERS SQUASHED. THIS USE OF CONSULAR PREMISES AS A BASE FOR POLITICAL ACTION MUST BE HIGHLY IRRITATING TO THE SOUTH AFRICAN AUTHORITIES AND IS POSSIBLY THE MAIN REASON WHY THEY WISH TO PUT AN END TO THIS AFFAIR. WE ARE DOING WHAT WE CAN TO PREVENT SUCH LEAKS, BUT WE CANNOT HOPE TO CONTROL SUCH ACTIVITIES SATISFACTORILY.

5. AS I COMMENTED IN MY TEL NO 383 THERE MAY BE SCOPE FOR A COMPROMISE THAT MIGHT PERSUADE THE SIX TO LEAVE AFTER THE COURT JUDGEMENT IS KNOWN. IF THE APPEAL IS SUCCESSFUL, THE SOUTH AFRICANS MIGHT DECIDE NOT TO APPEAL. IT IS ALSO POSSIBLE THAT A FIRM STATEMENT IN LONDON WHEN THE COURT HAVE RELEASED THEIR FINDINGS MIGHT GIVE US THE NECESSARY SUPPORT TO PERSUADE THEM TO GO. (I TAKE IT THAT YOU WISH US TO CONTINUE TO ENCOURAGE THEM GENTLY TO LEAVE; BUT NOT TO GO SO FAR AS TO "PREVAIL UPON" THEM TO GO). AS THINGS STAND, UNLESS THE SOUTH AFRICANS PRE-EMPT MATTERS BY CLOSING THE CONSULATE, WE MAY BE IN FOR A VERY LONG HAUL. IN THIS CASE WE SHALL FACE DIFFICULT DECISIONS ABOUT WHAT FACILITIES WE MAY OFFER THEM (SHOULD WE ALLOW IN MATTRESSES? THEY ARE AT PRESENT, LIKE OUR CONSUL, SLEEPING ON THE FLOOR) AND ALSO ABOUT WHAT WE CAN PROPERLY CONTINUE TO ALLOW THE SIX TO DO AND SAY: I SHALL REQUIRE FURTHER GUIDANCE ON THIS. I THINK THAT THIS NEEDS TO BE TAKEN INTO ACCOUNT BEFORE WE GIVE ANY GUARANTEES ABOUT OUR FUTURE ATTITUDE TO THE SIX IN THE CONTINUALLY CHANGING CIRCUMSTANCES AND IN THE LIGHT OF INDICATIONS THAT THEY MAY PROLONG THEIR SIT-IN EVEN WHEN THE REDETENTION ISSUE IS RESOLVED.

(REPEATED AS REQUESTED)

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