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~~SIR J LEAF~~

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RESIDENT CLERK

CARTLEDGE
MR ~~J S GOODALL~~
CABINET OFFICE

PS/NO.10 DOWNING STREET



IMMEDIATE

CONFIDENTIAL

DESKBY 271900Z

FM PRETORIA 271700Z SEPT 1984

TO IMMEDIATE FCO

TELNO. 432 OF 27TH SEPTEMBER 1984

AND TO IMMEDIATE UKMIS NEW YORK

INFO SAVING JOHANNESBURG, DURBAN

UKMIS NEW YORK TELNO 944 AND CONVERSTATION ARCHER/THORPE:

THE SITUATION IN DURBAN

1. SUMMARY

1. WE ARE INCREASING EFFORTS TO PERSUADE THE SIX TO LEAVE VOLUNTARILY.

DETAIL

2. WE HAVE BEEN TRYING THROUGH VARIOUS CONTACTS DURING THE DAY TO INCREASE PRESSURE ON THE SIX TO MAKE A DECISION TO LEAVE THE CONSULATE VOLUNTARILY.

3. MRS JANA, THE INSTRUCTING SOLICITOR FOR THE SIX HAS TOLD ARCHER IN STRICT CONFIDENCE THAT BOTH SHE AND THEIR SENIOR ADVOCATE RECOMMENDED TO THE SIX YESTERDAY THAT THEY SHOULD LEAVE THE CONSULATE WITHOUT WAITING FOR A COURT DECISION. THE LEGAL TEAM APPEAR TO HAVE BEEN INFLUENCED BY OUR REPRESENTATIONS TO THEM ABOUT OUR INCREASING DIFFICULTIES AND THE NEED FOR CAREFUL CONSIDERATION OF WHAT WOULD BE CORRECT ACTION NOW THAT THE NATAL COURT HAD HEARD THE APPLICATION BY THE SIX. MRS JANA IS VERY ANXIOUS THAT HER CONFIDENCE SHOULD BE RESPECTED AS THE QUESTION OF CONFIDENCE BETWEEN CLIENTS AND LEGAL REPRESENTATIVES IS INVOLVED. SHE SAID THAT THE DISCUSSIONS YESTERDAY HAD BEEN VERY DIFFICULT. IT HAS SEEMED

THE DISCUSSIONS YESTERDAY HAD BEEN VERY DIFFICULT. IT HAS SEEMED INITIALLY THAT THE SIX MIGHT ACCEPT THE ADVICE BUT THEY ASKED FOR TIME TO THINK THEIR POSITION OVER AND SUBSEQUENTLY IT BECAME CLEAR THAT THEY WERE NOT PREPARED TO ACCEPT THE ADVICE OF THE LEGAL TEAM. MRS JANA SAID THAT SHE STRONGLY SUSPECTED THAT THEY HAD RECEIVED CONTRARY ADVICE FROM ELSEWHERE IN DURBAN BUT SHE WAS NOT PREPARED TO SUGGEST WHERE THIS WOULD HAVE COME FROM. THIS IS POSSIBLE. A MEMBER OF THE DURBAN NIC WAS WITH THE LEGAL TEAM. SHE THOUGHT HOWEVER THAT THE SIX WERE NOW THINKING VERY SERIOUSLY ABOUT THEIR POSITION AND THAT THE TIME MIGHT HAVE COME FOR US TO TRY TO MAKE OUR OWN EFFORTS TO GET THEM TO DECIDE TO LEAVE. SHE THOUGHT THAT THEY MIGHT VERY WELL LEAVE ONCE THE COURT'S DECISION WAS ANNOUNCED, IRRESPECTIVE OF WHAT THE FINDING WAS. IT WAS MUCH LESS LIKELY THAT THEY WOULD AGREE TO GO EARLIER. THE INCREASED PUBLICITY SURROUNDING PIK BOTHA'S INTERVENTION MIGHT HAVE PERSUADED THEM OR THOSE ADVISING THEM IN DURBAN THAT THERE WAS BENEFIT IN REMAINING.

4. DURING THE COURSE OF THIS AFTERNOON I WAS INFORMED THAT BEYERS NAUDE WOULD BE TRAVELLING TO DURBAN THIS EVENING AND THAT HE INTENDED TO CALL AT THE CONSULATE. I THEREFORE SPOKE TO HIM IMMEDIATELY TO OBTAIN CONFIRMATION OF HIS PLANS. WE TOOK THE OPPORTUNITY TO TELL HIM THAT WE HAD BEEN TRYING TO MAKE THE SIX UNDERSTAND THE INCREASING DIFFICULTIES IN OUR SITUATION. HE SAID THAT HE WAS GRATEFUL FOR OUR BRIEFING AND UNDERSTOOD OUR POSITION. DAVEY WILL MAKE ARRANGEMENTS TO ADMIT HIM TO THE CONSULATE WHEN HE ARRIVES THERE LATER THIS EVENING.

5. THE HEAD OF CHANCERY HAS SUBSEQUENTLY SPOKEN TO COOVADIA OF THE NIC IN DURBAN TO SAY THAT WE ARE ANXIOUS THAT THE SIX SHOULD UNDERSTAND OUR POSITION AND OUR DIFFICULTIES, THAT OUR STAFF IN THE CONSULATE HAVE FORMED THE IMPRESSION THAT THE SIX ARE PERHAPS IN THE PROCESS OF MAKING A DECISION AND THAT WE WONDER WHETHER THEY WILL NOT CONCLUDE THAT THEY SHOULD LEAVE VOLUNTARILY WITHOUT FURTHER DELAY. COOVADIA CONFIRMED THAT HE UNDERSTOOD OUR PROBLEMS. ARCHER ASKED WHO WAS GUIDING THE SIX. COOVADIA SAID THAT IN THE END THEY MADE THEIR OWN DECISION BUT THE EXECUTIVE COMMITTEE OF THE NIC IN DURBAN HAD BEEN MEETING REGULARLY AND OFFERING ADVICE.

6. WE HAVE POINTED OUT TO COOVADIA THAT BEYERS NAUDE'S ARRIVAL AT THE CONSULATE WILL ATTRACT A LOT OF PUBLICITY. THE BRITISH POSITION WAS UNCHANGED. WE WERE NOT PUTTING ON ANY PRESSURE BUT WE WONDERED WHETHER THIS WOULD BE A GOOD TIME FOR THE SIX TO LEAVE. COOVADIA TOOK THE POINT AND IS CURRENTLY CONSULTING THE NIC EXECUTIVE.

7. WE ARE NOT OPTIMISTIC THAT OUR ACTION WILL LEAD TO ANY IMMEDIATE DECISION THAT THE SIX SHOULD LEAVE AND WE DO NOT KNOW WHETHER NAUDE'S VISIT WILL BE HELPFUL OR COUNTER-PRODUCTIVE ALTHOUGH WE ARE SURE THAT HE WILL ACT IN GOOD FAITH AND BELIEVE THAT HE WILL NOT DO ANYTHING TO MAKE OUR POSITION MORE DIFFICULT.

TONKIN