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Foreign and Commonwealth Office

London SW1A 2AH

20 October 1984

C D Powell Esq  
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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

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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

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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