

SOUTHERN AFRICA: ADVANCE COPIES 14

CARTLEDGE  
MR. ~~SECRET~~  
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 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 YOCUU 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