



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.



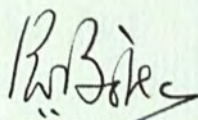
Prime Minister, I am heartened by the information that your Government has recently announced an additional £5 million of programme aid to Mozambique.

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