

UNITED KINGDOM AND SOUTH AFRICA

Persons seeking refuge in the British Consulate, Durban: British Statement
23 October 1984*

WITH PERMISSION, MR SPEAKER, I WOULD LIKE TO MAKE A STATEMENT ABOUT RECENT DEVELOPMENTS AFFECTING OUR RELATIONS WITH SOUTH AFRICA.

SIX MEMBERS OF THE UNITED DEMOCRATIC FRONT AND THE NATAL INDIAN CONGRESS ENTERED THE BRITISH CONSULATE IN DURBAN ON 13 SEPTEMBER AND SOUGHT AN INTERVIEW WITH THE CONSUL. THEY SUBSEQUENTLY REFUSED TO LEAVE AND SOUGHT "TEMPORARY REFUGE" IN THE CONSULATE. HAVING REGARD TO THE HUMANITARIAN CONSIDERATIONS, THE GOVERNMENT DECIDED TO REFRAIN FROM EVICTING THEM.

THE HOUSE WILL KNOW THAT ON 6 OCTOBER THREE OF THE SIX VOLUNTARILY LEFT THE CONSULATE.

ON 7 OCTOBER ONE OF THE THREE MEN REMAINING IN THE CONSULATE GAVE AN INTERVIEW TO A REPORTER REPRESENTING INDEPENDENT TELEVISION NEWS, USING A RADIO TRANSMITTER WHICH HAD BEEN SMUGGLED INTO THE BUILDING THIS INTERVIEW FOLLOWED PREVIOUS INCIDENTS IN THE CONSULATE INVOLVING CLANDESTINE PHOTOGRAPHY, AT WHICH TIME WE PROTESTED TO THOSE CONCERNED. FOLLOWING THE ITN INTERVIEW WE SOUGHT AN ASSURANCE FROM THE THREE THAT THERE WOULD BE NO REPETITION OF THIS BEHAVIOUR WHICH WAS CLEARLY AN ABUSE OF THE CONSULAR PREMISES. THE THREE DECLINED TO GIVE SUCH AN ASSURANCE AND HAVE STILL NOT DONE SO. SUBSEQUENTLY (ON 18 OCTOBER) THE THREE ISSUED - THROUGH THEIR LAWYERS - A STATEMENT CONTAINING VARIOUS DEMANDS, SOME DIRECTED AT THE SOUTH AFRICAN AND SOME AT THE BRITISH GOVERNMENT.

WHEN THE SIX FIRST SOUGHT REFUGE IN THE CONSULATE THERE WAS NO SUGGESTION THAT THEY WOULD INDULGE IN POLITICAL ACTIVITY, WHICH IS CLEARLY AN ABUSE OF CONSULAR PREMISES. THE ASSURANCE WE HAVE SOUGHT THAT THESE ACTIVITIES WOULD CEASE HAS NOT BEEN FORTHCOMING., ON THE CONTRARY. IT IS CLEAR FROM THE STATEMENT ISSUED ON 18 OCTOBER THAT THE THREE INTEND TO CONTINUE THEIR POLITICAL ACTIVITIES IF THEY CAN.

*(This is the text of a statement by Mr. Malcolm Rifkind, Minister of State for Foreign and Commonwealth Affairs in the House of Commons on Tuesday, 23 October 1984. Selected supplementary questions and answers follow. The document was made available by Mr. M S. Hone, Second Secretary, British High Commission, Canberra

IT HAS ALSO BECOME IMPOSSIBLE FOR OUR CONSULATE IN DUREN TO CARRY OUT MANY OF ITS FUNCTIONS IN THE CIRCUMSTANCES CREATED BY THE CONTINUED SIT-IN. THE CONSULATE IS ONE OF THE SMALLEST POSTS IN THE DIPLOMATIC SERVICE. IT NORMALLY HAS ONLY ONE UK-BASED OFFICER. THE ACCOMMODATION IS CORRESPONDINGLY SMALL AND WAS NEVER DESIGNED FOR RESIDENCE. THESE DIFFICULTIES MUST ALSO BE TAKEN INTO CONSIDERATION. THEY ARE NOT A DECISIVE FACTOR BUT, ADDED TO THE PROBLEMS CREATED BY THE POLITICAL ACTIVITIES OF THE THREE, THEY PRESENTED US WITH AN UNACCEPTABLE SITUATION.

IT WAS FOR THESE REASONS THAT WE DECIDED THAT, AS WAS ANNOUNCED ON 21 OCTOBER, WE CAN NO LONGER ALLOW THE THREE TO RECEIVE VISITORS, OTHER THAN DOCTORS WHEN NECESSARY, AND THAT BECAUSE OF THE GROWING DIFFICULTIES THAT HAVE ARISEN AS A RESULT OF THE SIT-IN, THE WORK OF THE CONSULATE MUST NOW BE CONSIDERABLY REDUCED. THERE IS INDEED LITTLE OPTION. THE SITUATION OF THE PAST DAYS HAS PREVENTED NORMAL WORK FROM BEING CARRIED OUT.

WE HAVE ALSO MADE CLEAR THAT ANY DISTURBANCES CAUSED BY THE ACTIVITIES OF, OR ARISING FROM THE PRESENCE OF THE THREE IN THE CONSULATE, OR BY OTHERS OUTSIDE IT, WOULD CAUSE US TO REVIEW OUR POSITION IMMEDIATELY.

THE SOUTH AFRICAN GOVERNMENT ANNOUNCED IN SEPTEMBER THAT BECAUSE OF WHAT IS DESCRIBED AS OUR ATTITUDE TO THEIR REQUEST THAT WE SURRENDER THE SIX OR PERMIT THE SOUTH AFRICAN AUTHORITIES TO ARREST THEM IN THE CONSULATE. THEY REGARDED THEMSELVES AS ABSOLVED FROM THEIR UNDERTAKING TO A UNITED KINGDOM COURT TO ENSURE THE RETURN TO THE UK OF FOUR SOUTH AFRICAN CITIZENS CHARGED WITH OFFENCES UNDER CUSTOMS AND EXCISE LEGISLATION. AS THE HOUSE NOW KNOWS, THESE MEN DID NOT APPEAR YESTERDAY AS REQUIRED TO DO SO BY THE COURT. THE COURT MADE IT CLEAR THAT IN ITS VIEW, SOLEMN PROMISES HAD BEEN BROKEN BY THE SOUTH AFRICAN GOVERNMENT AND ACCORDINGLY ORDERED THAT ALL THE BAIL BE FORFEITED, AMOUNTING IN TOTAL TO POUNDS STERLING 400,000, AND THE COURT ISSUED WARRANTS FOR THE ARREST OF THE FOUR.

I CALLED IN THE SOUTH AFRICAN AMBASSADOR THIS MORNING. I CONVEYED TO HIM THE GOVERNMENT'S STRONG CONDEMNATION OF THIS BREACH OF FAITH. I ALSO TOLD HIM THAT, FOLLOWING THE ISSUE OF WARRANTS FOR THE ARREST OF THE FOUR DEFENDANTS, WE NOW EXPECTED HIS GOVERNMENT NOT TO IMPEDE THEIR APPEARANCE IN COURT.

THE FOLLOWING ARE SELECTED SUPPLEMENTARY QUESTIONS AND ANSWERS TO
MR
RIFKIND'S STATEMENT:

IN ANSWER TO A QUESTION BY MR DONALD ANDERSON, MR RIFKIND SAID:

MAY I BEGIN BY UTTERLY REJECTING THE ABSURD CHARGE OF
COLLABORATION THAT THE HON GENTLEMAN HAS SOUGHT TO SUGGEST TO THE
HOUSE IT IS A MOST EXTRAORDINARY ALLEGATION AND CERTAINLY ONE THAT
ANY OBJECTIVE COMMENTATOR ON THE EVENTS OF THE LAST FEW WEEKS WOULD
NOT BEGIN TO SUGGEST WITH ANY DEGREE OF SERIOUSNESS.

IF I CAN NOW RESPOND TO SOME OF THE SPECIFIC POINTS THE HG
RAISED, HE IS CORRECT TO INDICATE THAT A NUMBER OF THE ACCUSED IN
THE COVENTRY CASE ARE STATE EMPLOYEES IN SOUTH AFRICA AND SO FAR AS
WE ARE AWARE, INDEED THE SOUTH AFRICAN GOVERNMENT THEMSELVES HAVE
SAID, THAT IT WAS A DECISION OF THE SOUTH AFRICAN CABINET NOT TO
REQUIRE THEM TO RETURN TO THE UNITED KINGDOM. THE HG HAS REFERRED
TO THE REPORTED COMMENTS OF THE SOUTH AFRICAN FOREIGN MINISTER,
THAT THEY HAVE EMERGED WITH DIGNITY FROM THE COURT PROCEEDINGS
YESTERDAY. I CAN ONLY SAY IN RESPONSE TO THAT COMMENT, IF IT IS
CORRECT, THAT THE SOUTH AFRICAN GOVERNMENT THROUGH THEIR COUNSEL
SOUGHT TO PERSUADE THE BRITISH COURT THAT THE SOUTH AFRICAN
GOVERNMENT WERE ENTITLED TO REQUIRE THE MEN TO DISHONOUR THEIR
PLEDGE TO RETURN TO THE UNITED KINGDOM. IT WAS SUGGESTED TO THE
BRITISH COURT THAT THIS WOULD JUSTIFY NO ORDER FOR THE FORFEITURE OF
THE BAIL MONEY. THE BRITISH COURT TOTALLY REJECTED THAT CLAIM,
ORDERED THE TOTAL FORFEITURE OF THE MONEY CONCERNED AND ORDERED THE
INSTANT PROVISION OF WARRANTS OF ARREST FOR THE FOUR. THAT, I
BELIEVE, SUMS UP THE POSITION SO FAR AS THE COURT IS CONCERNED.

THE HG HAS ASKED ME WHETHER HMG EVER EXPECTED THE FOUR TO BE
RETURNED TO THE UK TO STAND TRIAL. I MUST REMIND THE HG THAT WHEN
THE QUESTION OF BAIL WAS CONSIDERED BY THE COURT THE PROSECUTION,
REPRESENTING CUSTOMS AND EXCISE, OPPOSED THE GRANTING OF BAIL IN
THIS CASE. THE DECISION TO GRANT BAIL WAS A DECISION OF THE COURT
AND CLEARLY THE HG WOULD NOT EXPECT ME TO COMMENT FURTHER ON THAT.

THE HG HAS ASKED WHETHER WE WOULD CONSIDER AT THIS STAGE THE ENDING OF THE NO-VISA AGREEMENT WITH SOUTH AFRICA I DO NOT BELIEVE THAT WOULD BE AN APPROPRIATE COURSE OF ACTION TO TAKE AND I WOULD REMIND THE HG THAT THERE ARE APPROXIMATELY ONE MILLION SOUTH AFRICAN CITIZENS WHOSE LINKS, FAMILY LINKS AND OTHER LINKS WITH THE UK WOULD MAKE THEM NOT BE SUBJECT TO ANY VISA AGREEMENT EVEN IF ONE WAS TO BE APPLIED, AND THEREFORE THIS PARTICULAR RESPONSE WOULD REALLY BE A MOST IMPLAUSIBLE WAY OF DEALING WITH THE PROBLEMS OF PEOPLE COMING FROM SOUTH AFRICA EVEN IF THE GOVERNMENT WAS CONTEMPLATING TO CONSIDER ACTION OF THAT KIND.

FINALLY, THE HG CONCLUDED BY SUGGESTING THAT CONDITIONS IN THE CONSULATE ARE NOW WORSE THAN DETENTION IN SOUTH AFRICA, IN RESPECT OF VISITS BEING PERMITTED TO THOSE WHO ARE RESIDENT IN THE CONSULATE AT THE PRESENT TIME. MAY I REMIND THE HG THAT THOSE WHO ARE IN THE CONSULATE, ENTERED THE CONSULATE AT THEIR OWN CHOICE, CAN LEAVE IT AT THEIR OWN CHOICE AT ANY TIME, AND ARE IN NO WAY CONSTRAINED BY ANY ACTION OF HMG, SO FAR AS THEIR PRESENCE IN THE CONSULATE IS CONCERNED. WE HAVE INDICATED TO THEM THAT WE WOULD LIKE THEM TO LEAVE, THAT THEY ARE IMPEDING THE NORMAL WORK OF THE CONSULATE. WHAT WE HAVE NOT BEEN PREPARED TO DO IS FORCIBLY EVICT THEM AGAINST THEIR WILL FOR THE HG TO MAKE ANY COMPARISONS WHATSOEVER WITH THE POWERS OF DETENTION AVAILABLE TO THE SOUTH AFRICAN GOVERNMENT SHOWS HOW LACKING IN OBJECTIVITY HIS REMARKS TODAY HAVE BEEN.

RUSSELL JOHNSTON: GIVEN THAT ONE ACCEPTS THAT THE CONSULATE CANNOT BECOME THE BASIS OF POLITICAL ACTIVITY, SHOULD THE DURBAN THREE GIVE THE ASSURANCES WHICH THE GOVERNMENT HAVE SOUGHT? WHAT DOES THE MINISTER'S STATEMENT MEAN WHEN HE SAYS THAT A REVIEW WOULD TAKE PLACE IF DISTURBANCES HAPPENED NOT DIRECTLY CAUSED BY THE THREE? I THINK HE REFERRED TO THEM ARISING FROM THE PRESENCE OF THE THREE, OR CAUSED BY OTHERS OUTSIDE. COULD HE PLEASE EXPLAIN IN OTHER WORDS HE APPEARS TO BE SAYING, THAT A REVIEW MIGHT TAKE PLACE FOR REASONS THAT THEY MIGHT NOT BE DIRECTLY RESPONSIBLE FOR. AND SECONDLY ON THE QUESTION OF THE WEAPONS SMUGGLERS, COULD HE PLEASE EXPLAIN WHY IT IS THAT SUCH A DISGRACEFUL ACTION, OFFICIAL AND OPEN, OVERT, DISGRACEFUL ACTION BY THE SOUTH AFRICAN GOVERNMENT DOES NOT JUSTIFY THE RECALL OF OUR AMBASSADOR?

MR RIFKIND: WITH REGARD TO THE FIRST QUESTION RAISED BY THE HG WE ARE CONCERNED THAT THE CONSULATE SHOULD BE ABLE TO BE USED FOR ITS NORMAL CONSULAR PURPOSES AND ANYTHING THAT IMPEDES THAT CLEARLY IS TO BE REGRETTED AND DEPLORED. IF THERE IS, IN ANY FORM, ACTION WHICH IN ADDITION TO THE ADMINISTRATIVE PROBLEMS CAUSED MAKES THE USE OF THE CONSULATE ESSENTIALLY ONE RELATED TO PARTISAN POLITICAL ACTIVITY IN SOUTH AFRICA, THAT WOULD BE IN A CLEAR BREACH OF THE INTERNATIONAL OBLIGATIONS UNDER WHICH CONSULATES OPERATE IN ANY COUNTRY AROUND THE WORLD AND THEREFORE WE HAVE HAD TO INDICATE THAT ANY ACTION IN THE FUTURE WHICH DOES RESULT IN THE INCOMPATIBILITY OF THE USE OF THE CONSULATE WITH OUR NORMAL INTERNATIONAL OBLIGATIONS WOULD HAVE TO LEAD TO AN IMMEDIATE REVIEW OF OUR POSITION BY HMG. SO FAR AS THE SECOND POINT THAT THE HG HAS RAISED, THE NON-COMPLIANCE BY THE SOUTH AFRICAN GOVERNMENT WITH THEIR SOLEMN COMMITMENT TO THE COURT HAS LED TO THE FORFEITURE OF APPROXIMATELY HALF A MILLION POUNDS. HMG HAS MADE QUITE CLEAR OUR VERY STRONG CONDEMNATION OF THE SOUTH AFRICAN ACTION AND WE HAVE SAID TO THE SOUTH AFRICANS THAT IN VIEW OF THE WARRANTS FOR ARREST OF THE FOUR THAT THE COURT HAS ORDAINED THAT WE EXPECT THE SOUTH AFRICAN GOVERNMENT TO TAKE NO FURTHER ACTION TO IMPEDE THE RETURN OF THE FOUR TO THE UK IN ORDER THAT THEY MIGHT STAND TRIAL.

NORMAN BUCHAN: ARE THESE NOT SHAMEFUL AND WEASEL WORDS TO COME FROM A BRITISH MINISTER AT THE DISPATCH BOX. IT PUTS HIM RATHER TO THE RIGHT OF PALMERSTON. HE SAYS, DOES HE NOT, THAT IF THEY WERE FREE THEY WOULD INDULGE IN POLITICAL SPEECHES, BUT THEY WILL NOT ALLOW THEM IN THE CONSULATE. DOES HE NOT KNOW THAT THIS IS A NONSENSE, THAT IF HE SILENCED THEM HE IS CONDONING THE ACTION OF THE SOUTH AFRICAN GOVERNMENT, HE IS SILENCING THEM, HE IS CENSORING THEM, HE EQUALLY IS CONDEMNING THEM UNDER THE SAME POLITICAL VINDICTIVENESS THAT THE SOUTH AFRICAN GOVERNMENT HAS DONE IN THE PAST WOULD HE NOT BE BETTER TO SEND A MESSAGE TO THE SOUTH AFRICAN GOVERNMENT AMONG OTHER THINGS SAYING HE WILL DEFEND THE RIGHT TO SPEAK FREELY AND TO SAY HOW PROUD MANY OF US WERE IN BRITAIN AT THE HONOURING OF BISHOP TUTU, WHO RATHER STANDS UP FOR THE CIVILISATION OF SOUTH AFRICA RATHER BETTER THAN HE IS TODAY.

MR RIFKIND: I THINK ALL MEMBERS OF THIS HOUSE WILL SHARE THE HG'S CRITICISM OF THE SOUTH AFRICAN LAWS THAT PERMIT DETENTION WITHOUT TRIAL, THAT IS NOT A POINT WHICH IS IN ISSUE, THE ONLY POINT WHICH IS IN ISSUE IS WHETHER IT WOULD BE APPROPRIATE OR INDEED EVEN POSSIBLE FOR ANY GOVERNMENT WITH A CONSULATE IN A FOREIGN TERRITORY TO PERMIT THE USE OF THAT CONSULATE FOR PARTISAN POLITICAL ACTIVITIES. NOW THE HG MUST BE AWARE THAT IT WOULD BE QUITE CONTRARY, WHETHER WE WERE DEALING WITH SOUTH AFRICA, THE SOVIET UNION OR ANY OTHER COUNTRY AROUND THE WORLD, TO ALLOW POLITICAL SPEECHES OR STATEMENTS TO EMANATE FROM A BRITISH CONSULATE OR OTHER BRITISH DIPLOMATIC PREMISES. THE HG CAN MAKE COMMENTS ABOUT THE LAWS

OF DETENTION IN SOUTH AFRICA, MANY OF WHICH I MIGHT AGREE WITH, BUT IT DOES NOT ALTER THE FACT THAT WE HAVE NO CHOICE BUT TO INSIST THAT IF WE EXPECT OTHERS TO RESPECT THE INTERNATIONAL LAWS SO FAR AS THE USE OF DIPLOMATIC PREMISES IN THE UK ARE CONCERNED THEN WE ALSO HAVE TO ACCEPT OUR OBLIGATIONS, AND THAT WE ARE DETERMINED TO DO

JOHN CARLISLE: WILL MY RHF ACCEPT THAT WHATEVER THE HUMANITARIAN GROUNDS THE GOVERNMENT DID COMMIT A SERIOUS ERROR OF JUDGEMENT IN ALLOWING THE DURBAN FUGITIVES TO REMAIN ONCE THEIR POLITICAL PURPOSE HAD BECOME CLEAR AND THAT THE ONLY WAY OUT OF THIS PARTICULAR DISPUTE NOW IS FOR THEM TO BE FORCIBLY REMOVED. WOULD HE NOT ALSO AGREE THAT, AGAIN REGRETTABLE THOUGH THE DECISION IS, BY THE SOUTH AFRICAN GOVERNMENT, IT IS TOTALLY DEPLORED BY BOTH SIDES OF THIS HOUSE, FOR THOSE FOUR NOT TO RETURN TO TRIAL TO COVENTRY. THE STUPID

AND IGNORANT INTERVENTION OF THE HON MEMBER FOR SWANSEA IN HIS VISIT TO SOUTH AFRICA HAS ACTUALLY MADE THE SITUATION WORSE AND HAS NOW POSSIBLY GIVEN SOME CREDIBILITY TO THE DECISION BY THE GOVERNMENT NOT TO RETURN THOSE FOUR MEN.

MR RIFKIND: I WILL NOT COMMENT ON MY HF'S REMARKS ON THE HM FOR SWANSEA BUT CAN I SAY IN REGARD TO THE EARLIER COMMENTS OF MY HF THAT THE BRITISH GOVERNMENT'S MAIN CONCERN THROUGHOUT THIS MATTER HAS BEEN TO CONSIDER BOTH THE HUMANITARIAN ASPECTS AND OUR INTERNATIONAL OBLIGATIONS SO FAR AS THE USE OF THE CONSULATE IS CONCERNED NOW WE BELIEVE THAT THE ONLY WAY IN WHICH THIS MATTER COULD HAVE BEEN BROUGHT TO A CONCLUSION WITHOUT THE CO-OPERATION OF

THE THREE IN THE CONSULATE WOULD HAVE BEEN TO INVITE THE SOUTH AFRICAN POLICE TO ENTER THE CONSULATE. NOW CLEARLY WE HAVE NO INTERNATIONAL OBLIGATION OF THAT KIND AND INDEED NO ONE HAS SUGGESTED THAT WE DO. IT IS ON THAT BASIS THAT I THINK WE CAN SAY QUITE FRANKLY AND WITHOUT QUALIFICATION THAT HMG HAVE COMPLIED WITH OUR INTERNATIONAL OBLIGATIONS. WE NOTED THAT WHEN THE SOUTH AFRICAN GOVERNMENT SOUGHT TO PERSUADE THE COURT IN THE UK YESTERDAY THAT BAIL SHOULD NOT BE FORFEITED FOR THE VARIOUS REASONS WHICH THE COUNSEL ON BEHALF OF THE SOUTH AFRICAN GOVERNMENT ADVANCED THAT THE COURT DID NOT ACCEPT THAT THAT WAS IN ANY WAY GROUNDS FOR THE NON-FORFEITURE OF THE BAIL MONEY AND WE BELIEVE THEREFORE THAT WE ARE IN A POSITION TO SAY THAT THE UK GOVERNMENTS POSITION HAS COMPLIED BOTH WITH THE HUMANITARIAN AND THE LEGAL CRITERIA THAT WE HAVE APPLIED THROUGHOUT THIS INCIDENT.