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DESKBY 270900Z OCT

FM WARSAW 270800Z OCT

*Read in full -
ms.*

TO IMMEDIATE FCO
TELEGRAM NUMBER 390 OF 27 OCTOBER.
AND TO IMMEDIATE MOSCOW

INFO ROUTINE PRAGUE SOFIA BUDAPEST BUCHAREST EAST BERLIN BELGRADE
UKDEL NATO WASHINGTON PARIS BONN HELSINKI MODUK.

POLAND: INTERNAL SITUATION

UNIONS

1. SOLIDARITY WAS REGISTERED BY THE WARSAW COURT ON 24 OCT. THE COURT, HOWEVER, MADE, WITHOUT CONSULTATION WITH SOLIDARITY, MODIFICATIONS TO THE STATUTES CONCERNING THE LEADING ROLE OF THE PARTY AND THE PROVISIONS ON THE RIGHT TO STRIKE.
2. WALESA HELD A PRESS CONFERENCE LATER ON 24 OCT AT WHICH HE READ OUT A STATEMENT THAT THE COURT HAD ALTERED THE STATUTES UNILATERALLY, WITHOUT PRECEDENT AND WITHOUT LEGALITY. HE REJECTED THE ALTERATIONS AND SAID THERE WOULD BE AN APPEAL TO THE SUPREME COURT.
3. ASKED WHETHER THERE WOULD BE ANY OTHER PROTEST, WALESA SAID THIS WOULD BE CONSIDERED AT A MEETING OF THE SOLIDARITY COMMITTEE IN GDANSK ON OCT 27. HE ALSO SAID IN REPLY TO A QUESTION THAT THE COURT HAD ITS STATUTE, BUT THAT SOLIDARITY HAD THEIRS.
4. THE COURTS ACTION IS ARGUABLY ULTRA VIRES IN THAT IT WAS SET UP TO CHECK STATUTES OF NEW UNIONS PRESENTED TO IT, NOT TO ALTER THEM. THE INSTRUCTION TO CHANGE THEM NO DOUBT CAME FROM THE GOVERNMENT, AND GIVES A CLEARER DEFINITION OF WHERE THE LINE LIES WHICH THE GOVERNMENT FEELS, OR HAS BEEN TOLD, IT MUST NOT CROSS. (THIS CONFIRMS THE VIEW EXPRESSED TO US BY A RUMANIAN COLLEAGUE THAT THE LEADING ROLE OF THE PARTY IS CRUCIAL). IT MAY HAVE MARKED THE BREAKDOWN IN THE SYSTEM OF NEGOTIATION IN GOOD FAITH BETWEEN SOLIDARITY AND THE GOVERNMENT AND THE COURT, AS ONLY THE DAY BEFORE, AGREEMENT WAS REPORTED TO HAVE BEEN REACHED BETWEEN THE SIDES TO ATTACH A PREAMBLE TO THE STATUTES AFFIRMING THE LEADING ROLE OF THE PARTY.

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/ 5. SOLIDARITY

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5. SOLIDARITY HAVE 7 DAYS IN WHICH TO LODGE THEIR APPEAL. BEYOND THIS THEY MIGHT:-

- (I) WAIT A COUPLE OF WEEKS OR SO FOR THE APPEAL TO BE HEARD WITHOUT DOING MORE THAN PROTESTING AND ANNOUNCING THAT THEY ARE PROCEEDING AS IF THE STATUTE WENT IN ACCORDANCE WITH THEIR WISHES.
 - (II) CALL BRIEF SELECTIVE STRIKES AS A WARNING TO THE GOVT.
 - (III) ANNOUNCE WIDE STRIKE ACTION IF THE COURT DOES NOT GIVE A JUDGEMENT WITHIN A FIXED PERIOD.
 - (IV) CALL A GENERAL OR NEAR GENERAL STRIKE AT ONCE.
- FOR ITS PART THE SUPREME COURT CAN REFER THE CASE BACK TO THE LOWER COURT OR REGISTER THE UNION ON WALESAS'S OR THE GOVT TERMS.

6. THE MOST LIKELY ACTION IS PERHAPS A COMBINATION OF (II) AND (III) ABOVE. WITH THE SUPREME COURT SENDING THE CASE BACK TO THE LOWER COURT. BUT SPECULATION AFTER THE MEETING ON 27 OCT WILL BE MORE PROFITABLE. IT IS BECOMING INCREASINGLY CLEAR THAT WALESAS IS A MODERATE AND UNDER PRESSURE FROM WILD MEN IN THE BACKGROUND. FAILING REGISTRATION ON SOLIDARITY TERMS OR A COMPROMISE WIDE STRIKE ACTION AND A CONFRONTATION ARE LIKELY. IN THAT EVENT SOVIET INTERVENTION WILL BE PROBABLE. ANY OTHER SOLUTION IS LIKELY TO RESULT IN A FURTHER PUBLIC DEMONSTRATION OF THE REGIME'S IMPOTENCE. AN UNHAPPY CHOICE FOR THEM.

7. I HAVE CONSIDERED WHETHER THESE DEVELOPMENTS MAY MAKE CANCELLATION OF YOUR VISIT NECESSARY THIS IS UNLIKELY BECAUSE, EVEN IF LARGE SCALE STRIKE ACTION WERE DECIDED ON AT THE MEETING ON OCT 27, IT IS IMPROBABLE THAT IT WOULD TAKE PLACE AT ONCE.

OTHER MATTERS

8. IN WROCLAW, RAILWAY WORKERS HAVE BEEN HOLDING HUNGER STRIKES FOR SOME DAYS IN SUPPORT OF 45 DEMANDS CONCERNING PAY AND WORKING CONDITIONS. ON OCT 24, THE MINISTER OF TRANSPORT, APPEARED ON TELEVISION AFTER THE MAIN NEWS (WHICH, OF COURSE, LARGELY QUOTED THE REGISTRATION OF SOLIDARNOSC) AND APPEALED FOR THE RAILWAYMEN TO END THEIR PROTEST. A MIXED COMMISSION IS NOW TO BE SET UP

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9. THIS WAS A HIGHLY UNUSUAL STEP FOR A MINISTER TO TAKE OVER A PURELY LOCAL PROTEST. IT PROBABLY REFLECTS THE VITAL IMPORTANCE OF TRANSPORT IN INDUSTRIAL SILESIA. THERE HAVE ALSO BEEN REPORTS OF LABOUR DISPUTES ELSEWHERE IN POLAND. ALTHOUGH THE PARTY PRESS REPORTS THESE ONLY AFTER THEY HAVE BEEN SETTLED, IT IS CLEAR THAT THE GOVERNMENT HAS TO FACE A CONTINUOUS TRICKLE OF LABOUR PROBLEMS AND THAT POLAND IS NO NEARER TO SETTLING DOWN.

10. THERE HAVE BEEN NO FURTHER PUBLIC DEVELOPMENTS ON THE PARTY FRONT AND IT MUST BE ASSUMED THAT WORK IS CONTINUING BEHIND THE SCENES TO TRY TO REBUILD THE CONFIDENCE OF PARTY WORKERS AND GET THEM INTO ACTION TO REESTABLISH THE PARTY AS A LEADING FORCE.

PRIDHAM

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