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PS/LORD TREFGARNE
PS/PUS
MR BULLARD
MR FERGUSSON
SIR A ACLAND
MR GILLMORE

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CONFIDENTIAL

FM UKMIS NEW YORK 231715Z DEC 81

TO IMMEDIATE FCO

TELEGRAM NUMBER 1618 OF 23 DECEMBER

**INFO IMMEDIATE UKDEL NATO WASHINGTON AND PARIS
PRIORITY WARSAW MOSCOW AND BONN.**

MY TEL NO 1614: POLAND.

1. I SPOKE TO MRS KIRKPATRICK ON THE TELEPHONE THIS MORNING (23 DECEMBER) JUST BEFORE SHE WENT INTO THE NSC MEETING. I MADE THE FOLLOWING POINTS.
2. FIRST, I SAID THAT, IN OUR COLLECTIVE MEMORY AND WITHOUT HAVING HAD TIME TO DO DETAILED RESEARCH, THE QUESTION OF HUMAN RIGHTS IN AN INDIVIDUAL COUNTRY HAD NEVER BEEN BROUGHT TO THE SECURITY COUNCIL. TO DO SO WOULD CREATE A DANGEROUS PRECEDENT WHICH THE OTHER SIDE COULD USE AGAINST THE WEST IN A SERIES OF CONTEXTS SUCH AS CHILE, GUATEMALA, EL SALVADOR AND EVEN NORTHERN IRELAND. WE HAD ALWAYS CONSIDERED THAT THE GENERAL ASSEMBLY WAS THE RIGHT FORUM FOR CONSIDERATION OF HUMAN RIGHTS QUESTIONS. BY THIS TOKEN, WE HAD NOT EVEN BROUGHT AMIN OR POL POT TO THE SECURITY COUNCIL, ALTHOUGH THEIR BEHAVIOUR HAD DEMONSTRABLY CONSTITUTED A THREAT TO INTERNATIONAL PEACE AND SECURITY, VIZ THE ULTIMATE TANZANIAN AND VIETNAMESE INVASIONS.
3. SECONDLY, ARISING OUT OF THE FIRST POINT, WE THOUGHT THAT THE AMERICANS WOULD DO BETTER, IF THEY FELT THE NEED FOR IMMEDIATE

ACTION, TO ADDRESS THEMSELVES TO THE ASSEMBLY. THE 36TH REGULAR SESSION WAS STILL OPEN. HENCE, UNDER RULE 15 OF THE GA RULES OF PROCEDURE, THERE WAS NOTHING TO STOP THEM ADDRESSING A LETTER TO THE PRESIDENT OF THE ASSEMBLY ASKING FOR THE INSCRIPTION ON THE AGENDA OF AN URGENT ADDITIONAL ITEM - HUMAN RIGHTS IN POLAND. THEY COULD ENCLOSE AN EXPLANATORY MEMORANDUM AND EVEN A DRAFT RESOLUTION IF THEY SO WISHED, BOTH OF WHICH THEY COULD PUBLICISE WIDELY. KITTANI WOULD HAVE NO CHOICE BUT TO CALL THE GENERAL COMMITTEE TO CONSIDER THE PROPOSAL. I WAS DOUBTFUL WHETHER THE AMERICANS WOULD HAVE THE VOTES IN THE GENERAL COMMITTEE, BUT THE COMMITTEE WOULD STILL HAVE TO REPORT TO THE PLENARY. THIS WOULD MEAN THAT THERE WOULD HAVE TO BE A PLENARY SESSION DURING WHICH THE WHOLE QUESTION COULD BE AIRED, EVEN IF THE ULTIMATE PLENARY VOTE ON INSCRIPTION WENT AGAINST THE AMERICANS. THERE WERE PLENTY OF PRECEDENTS EG THE ANNUAL DEBATE ON CAMBODIAN CREDENTIALS, FOR INTRODUCING QUESTIONS OF SUBSTANCE INTO PROCEDURAL DEBATES.

4. TO SUM UP, I SAID THAT THIS COURSE WOULD AVOID CREATING A DANGEROUS PRECEDENT AND WOULD IN PRACTICE GIVE THE AMERICANS A WIDER FORUM THAN THAT PROVIDED BY A UNSUCCESSFUL PROCEDURAL ROUND IN THE SECURITY COUNCIL. EVEN THOUGH WE LOST IN THE ASSEMBLY, WE WOULD STILL BE FREE TO BRING THE INTERNATIONAL PEACE AND SECURITY ASPECTS OF THE POLISH CRISIS TO THE SECURITY COUNCIL AS SOON AS THERE WAS EVIDENCE OF OVERT SOVIET INTERVENTION.

5. MRS KIRKPATRICK SAID THAT SHE WAS MOST GRATEFUL FOR THESE VIEWS WHICH MADE A GREAT DEAL OF SENSE TO HER. THE ADMINISTRATION HAD NOT COME TO A FINAL DECISION (CONTRARY TO WHAT SHE HAD TOLD ME YESTERDAY EVENING) AND WAS STILL EXAMINING ALL OPTIONS. SHE WOULD KEEP IN TOUCH WITH ME.

6. WE HAD PREVIOUSLY GONE OVER ALL THIS GROUND WITH ADELMAN WHO HAD RELAYED IT TO MRS KIRKPATRICK.

7. SINCE THE ABOVE WAS DRAFTED, I HAVE SPOKEN TO LEPRETTE (FRANCE). I TOLD HIM WHAT I HAD SAID TO MRS KIRKPATRICK. HE SAID THAT HE ENTIRELY AGREED, AND WOULD SPEAK TO HER ACCORDINGLY IF HE COULD GET IN TOUCH WITH HER LATER IN THE DAY. WHEN SHE HAD SPOKEN TO HIM LAST NIGHT, HE HAD NOT GIVEN ADVICE. HE HAD CONFINED HIMSELF TO REPORTING TO PARIS IN THE LIGHT OF THE EXPECTED MESSAGE FROM HAIG TO CHEYSSON. HE HAD NOT RECEIVED A REPLY BUT HAD HEARD TODAY THAT CHEYSSON HAD BEEN QUESTIONED BY A REPORTER THIS MORNING ON HIS WAY TO A CABINET MEETING: HE HAD SAID THAT HE DID NOT BELIEVE THAT THE SECURITY COUNCIL WAS THE APPROPRIATE ORGAN TO CONSIDER POLAND IN PRESENT CIRCUMSTANCES.

8. LEPRETTE ALSO SAID THAT WALDHEIM (ON WHOM HE HAD PAID HIS FAREWELL CALL THIS MORNING) SHARED OUR VIEWS AND WAS VERY DOUBTFUL WHETHER THERE WERE NINE VOTES FOR ADOPTION OF AN AGENDA ON POLAND IN THE SECURITY COUNCIL.

PARSONS