

CONFIDENTIAL

Nicky Roche
to note



Foreign and Commonwealth Office

London SW1A 2AH

3 June 1985

JF to note

CAP
4/6

Dear Charles,

Nicaragua

[Please put a
copy with parliamentary
briefing folder.]

We have just received from Washington a copy of the authoritative text of the Nicaraguan peace proposals put forward during the recent US Congress debate on Nicaragua. You will recall that the Prime Minister referred to the Nicaraguan proposals in the House of Commons on 7 May. Her reply of 16 May to Mr Kinnoch's letter of 2 May also referred to them.

As you will see from the enclosed copy of the Congressional Record, the precise text of the proposals differed in one respect from the press reports at the time. The Nicaraguans "offered to guarantee full freedom of the press and reaffirmed political pluralism and fundamental freedoms" if the United States "discontinued its direct and indirect support of the Contras, whether overt or covert, and immediately reinitiates the bilateral conversations between Nicaragua and the United States in Manzanillo". You will recall that the original reports, on which the Prime Minister's comments were based, suggested that the Nicaraguans were willing to introduce pluralist democracy if US aid for the Contras ceased.

We do not believe that any corrective action is necessary, as the thrust of the Prime Minister's remark remains valid. But there must be a risk that some will seek to use the discrepancy to embarrass the Government. We shall therefore offer a revised line in future drafts.

Yours ever,

Peter Ricketts

(P F Ricketts)
Private Secretary

C D Powell Esq
10 Downing Street

CONFIDENTIAL

inventories of arms, installations and military personnel under arms within a period of no more than thirty (30) days from the date of the signing of this Act. The inventories shall be prepared in accordance with the definitions and basic criteria agreed upon in the Annex and in paragraph twenty-two of this section. Once the Commission has received the inventories, it shall carry out, within a period of no more than thirty days, studies of a technical nature serving to determine maximum limits for the military development of the States in the region, taking into account their national security interests, and with a view to halting the arms race.

22. On the basis of the above, the PARTIES agree on the following stages of execution:

First stage: Once their respective inventories have been submitted, the PARTIES must suspend all acquisition of military equipment. The moratorium shall be in force until limits are agreed upon in the following stage.

Second stage. The PARTIES shall establish limits within a period of not more than thirty days, on the following types of arms: fighter planes, bombers and helicopters, tanks and armored vehicles; artillery weapons; rockets and short, medium and long-range guided missiles and launching equipment, and military ships or vessels, or those liable to be used for military purposes.

Third stage. The PARTIES shall establish, once the previous stage has been concluded, and within a period of not more than thirty days, limits on military personnel and on the installations liable to be used as bases for war action.

Fourth stage: The PARTIES shall be able to initiate negotiations on matters they consider essential to their interests. Notwithstanding the foregoing, the PARTIES shall be able, by mutual consent, to alter the time limits set for the negotiation and establishment of limits.

The following basic criteria shall determine the levels of military development of the Central American States, in accordance with stability and security needs in the region:

- (a) No military institution shall have as its political aim the establishment of hegemony over other individual forces.
 - (b) In defining national security, consideration must be given to economic and social development at a given moment and to future development aims.
 - (c) To determine the latter, studies must be carried out that cover the following overall aspects:
 - (1) An awareness of the internal and external security needs of the State.
 - (2) Size of country.
 - (3) Population.
 - (4) Distribution of economic resources, infrastructure and population within the national territory.
 - (5) Extension and characteristics of land borders and shorelines.
 - (6) Military spending in relation to the gross domestic product (GDP).
 - (7) Military budget in relation to public expenditure and in comparison with other social indicators.
 - (8) Characteristics, geographical situation and geopolitical position.
 - (9) Maximum level of military technology suitable for the region.
23. To initiate constitutional procedures enabling them, if they have not already done so, to sign and ratify or adhere to international treaties and other accords on disarmament matters.

Section 3. Commitments regarding foreign military bases

24. To refrain from authorizing the establishment of foreign military bases or schools in their respective territories.

25. To eliminate existing foreign military bases or schools in their respective territories within a period of 6 months from the signing of this Act.

Section 4. Commitments regarding foreign military advisers

26. To submit to the Commission on Verification and Control a report on foreign military advisers and other foreign elements engaged in military and security activities in their territories, within a period of no more than thirty days from the signing of this Act. The definitions contained in the Annex shall be taken into account in the preparation of this census.

27. To establish a schedule for the gradual withdrawal of foreign military advisers engaged in operational and training activities. The studies and recommendations of the Commission on Verification and Control shall be taken into account for this purpose.

28. With regard to advisers carrying out technical duties related to the installation and maintenance of military equipment, a control register shall be drawn up in accordance with the terms established in the respective contracts or agreements. On the basis of this register, the Commission on Verification and Control shall take steps to establish reasonable limits on the numbers of this type of advisers.

Section 5. Commitments regarding arms transfers

29. To eliminate the intraregional and extraregional flow of arms destined to individuals, irregular forces, organizations, or armed bands attempting to destabilize the Governments of the States parties to this Act.

30. To establish, for that purpose, internal control mechanisms at airports, landing strips, ports, terminals and frontier posts, on land, air, sea and river routes, and at any other point or area liable to be used for arms transfers.

31. To submit denunciations of violations in this matter, based on presumption or proven facts, to the Commission on Verification and Control, together with sufficient information to enable it to carry out the necessary investigations and present the conclusions and recommendations that it deems suitable. Whenever pertinent, and for purposes of verification, the following criteria shall be taken into account:

- (a) Origin of the arms transfer.
- (b) Personnel involved.
- (c) Types of weapons, ammunition, equipment and other kinds of military supplies.
- (d) Extraregional means of transport.
- (e) Extraregional transport routes.
- (f) Bases for storage of weapons, ammunition, equipment and other kinds of military supplies.
- (g) Intraregional traffic routes and areas.
- (h) Means of international transport.
- (i) Receiving unit.

Section 6. Commitments regarding the prohibition of support to irregular forces

32. To refrain from giving any political, military, financial or other type of support to individuals, groups, irregular forces or armed bands whose aim is the overthrow or destabilization of other governments, and to prevent, by all the means at their disposal, the use of their territory for the purpose of attacking or organizing attacks, acts of sabotage, kidnappings, hijackings or other unlawful actions in the territory of another State.

33. To exercise close vigilance along their respective borders with the object of pre-

venting their territory from being used to carry out any armed action against a neighboring State.

34. To disarm and remove from border zones any irregular group or force that has been identified as responsible for actions against a neighboring State.

35. To dismantle and forbid the use of installations, means and facilities for operative and logistical support within their territory when these have been used for launching actions against neighboring governments.

Section 7. Commitments regarding terrorism, subversion or sabotage

36. To refrain from lending political, military, financial or any other kind of support to subversive, terrorist or sabotage activities aimed at destabilizing the governments of the region.

37. To refrain from organizing, calling for or participating in acts of terrorism, subversion or sabotage in another State, or consenting to activities organized within their territory and aimed at the commission of such acts.

38. To abide by the following international treaties and agreements:

- a. The Hague Convention for the Suppression of the Illicit Seizure of Aircraft.
- b. Convention for the Prevention and Punishment of Acts of Terrorism consisting of Crimes against Persons and Related Extortion when these have International Consequences.
- c. Convention for the Suppression of Illicit Acts against Civil Aviation.
- d. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.
- e. International Convention against the Taking of Hostages.

39. To initiate constitutional procedures that will enable them, if they have not already done so, to sign and ratify or accede to the international treaties and agreements referred to in the preceding paragraph.

40. To respect the commitments set out in this section, without prejudice to their accession to the treaties and other international agreements on matters of diplomatic and territorial asylum.

41. To prevent the participation of individuals belonging to foreign terrorist groups or organizations in unlawful acts within their respective territories. For that purpose, they shall reinforce cooperation between their immigration and police departments, as well as between the corresponding civil authorities.

ANNEX

(Based on the conversations held between the President of the Republic of Nicaragua, Commander of the Revolution, Daniel Ortega, and Senators Tom Harkin and John Kerry in Managua, on April 11, 1985.)

(1) President Ortega reaffirmed the national character and non-aligned nature of the Nicaraguan Revolution.

(2) The President also reaffirmed the commitment of the government of Nicaragua to peace and regional stability. To that end, the President emphasized the following points:

(a) Nicaragua reaffirmed its commitment to the Treaty of Tlatelcoico, to which it is signatory and in which it is guaranteed that Latin America will be a nuclear free zone.

(b) Nicaragua reaffirmed its commitment to the Contadora Act for Peace and Cooperation in Central America, and in particular emphasized those aspects of the proposal that:

(i) guarantee the respect for non-intervention in the internal affairs of other countries;

(ii) respect the principle of self-determination;

(iii) guarantee the non-use of force or the threat of the use of force in relations with other countries, and;

(iv) require non-cooperation with individuals, groups or governments involved in actions which tend to destabilize or overthrow other governments.

(c) Nicaragua reaffirmed its conviction that the Contadora process continues to represent the only viable initiative to achieve a regional peace agreement which is just and lasting. Although Nicaragua is prepared to immediately sign the Contadora proposal of September 7, 1984, and is participating and will continue to participate in the discussions to fine-tune said proposal.

(d) Nicaragua reaffirmed its intention of respecting the Contadora proposal which prohibits the establishment of bases, installations or military schools in Central American territory.

(e) Nicaragua reaffirms its commitment and insists that any regional agreement has to be subject to effective mechanisms of verification and control which guarantee the compliance of all the aspects of the Contadora Treaty.

(f) Nicaragua reaffirms its willingness of having not only normal but friendly relations with the United States.

Nicaragua expressed its firm conviction that there can not be peace between the Central American countries until a normalization (of relations) is achieved between the United States and Nicaragua.

With this purpose, President Ortega stated that if the United States, as confirmed by the Reagan Administration and the Congress, discontinued its direct and indirect support of the Contras, whether covert or overt, and immediately reinstitutes the bilateral conversations between Nicaragua and the United States in Manzanillo; conversations which would include a delegation of participating observers of both Houses of the Congress of the United States and in which the relations between both countries would be discussed, so as to normalize bilateral relations and in this way contribute effectively to the Contadora process; then the government of Nicaragua would immediately call for a cease fire and would immediately solicit the participation of the High Commissioner of the United Nations and of the International Committee of the Red Cross in the resettlement and repatriation of any citizen who wishes to in Nicaraguan territory or in any neighboring country; as well as immediately guarantee full freedom of the press and reaffirm political pluralism and fundamental freedoms.

(g) Nicaragua reaffirmed that it will continue the implementation of unconditional amnesty for any member of the Contras who surrenders his weapons to representatives of the governments of Nicaragua, Honduras, or Costa Rica, depending upon the place where that person is. Nicaragua would also guarantee full restoration of that person's rights.

(h) Finally, Nicaragua, while affirming its dependence and national pride, recognizes that hemispheric interests are better guaranteed by friendship, cooperation and mutual respect among states.

THE SECRETARY OF STATE,
Washington, DC, April 16, 1985.

HON. THOMAS P. O'NEILL, JR.,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: Thank you for your letter of February 28 requesting the Administration's views on a letter to you of the

same date from Nicaraguan President Ortega.

In addressing a detailed statement of Nicaraguan policy and objectives to the Congress, together with specific proposals for action, Mr. Ortega is obviously attempting to circumvent normal government-to-government channels. Although unorthodox and inappropriate under our constitutional system such tactics have become routine practice by the Sandinistas in their efforts to obtain diplomatic and public relations advantage and to influence directly the Congress of the United States. I was pleased, therefore, to note in your letter to Mr. Ortega the emphasis on the constitutional responsibility of the President for the conduct of our foreign relations.

In this same vein, I believe the most appropriate procedural response would be a formal diplomatic note from the American Ambassador in Managua, on behalf of the United States Government, to the Government of Nicaragua. This response would note the referral of Ortega's letter by the Congress to the Executive Branch and would attempt to discourage the Nicaraguans from the belief that they can conduct foreign relations with the United States Congress as distinguished from relations with our government.

Mr. Ortega's direct invitation to the Congress to conduct an official inspection of the Nicaraguan military buildup presents obvious difficulties. At the same time, Congressional travel to Nicaragua and Central America has contributed to a better understanding within the Legislative Branch of the complex sources of conflict in the region. I recognize the value of such foreign travel in assisting the Congress to fulfill its constitutional responsibilities in the formulation of U.S. policy. Therefore, I strongly encourage members of Congress, of both parties and regardless of their views on Central America, to visit not only Nicaragua but all of the countries of the region. I would urge them to spend as much time there as their schedules will permit, to travel outside the capitals, and to talk with citizens in and out of government and of all political persuasions in order to better understand the difficult issues we must all resolve in forging a bipartisan policy on Central America. The Department of State will be pleased to assist Members of Congress with their travel in any way possible.

With respect to the substantive points raised by Mr. Ortega in his letter to you, I have enclosed an analysis that I hope will be useful. We plan to respond to these points in our note to the Government of Nicaragua referred to above.

Sincerely yours,

GEORGE P. SHULTZ

THE COMMONWEALTH OF MASSACHUSETTS,
EXECUTIVE DEPARTMENT

Boston, MA, April 23, 1985.

MS. JAYNE PLANK,

Director, Intergovernmental Affairs, Office of Legislative and Intergovernmental Affairs, Department of State, Washington, DC.

Dear Ms. Plank: Thank you for your letter of April 15 outlining the President's position on our escalating involvement in Nicaragua and enclosing two booklets entitled: The Soviet-Cuban Connection in Central America and the Caribbean and Misconceptions about U.S. Policy Towards Nicaragua.

I am strongly opposed to the President's policy in Nicaragua and do not support this latest proposal. I believe that what the Administration is trying to do in Nicaragua is both morally and legally indefensible and I think you and the President are entitled to know why.

In September 1947, the United States signed the so-called Rio Treaty which for the first time attempted to establish a framework for peaceful, longlasting relationships among the countries of the Western Hemisphere. The Rio Treaty was not an insignificant event. Coming after decades of U.S. interventionism in Latin America, interventionism bitterly resented by virtually all of our Latin American neighbors, whatever their political ideology, it was a major event in the history of U.S.-Latin American relations.

The Rio Treaty was ratified by the U.S. Senate on December 8, 1947. The Charter of the Organization of American States was signed by us in 1948 and ratified by the Senate in August 1950. Under Article VI of the U.S. Constitution, "all Treaties made, of which shall be made, under the Authority of the United States, shall be the supreme Law of the Land."

Article 18 of the Charter of the Organization of American States provides as follows:

No state . . . has the right to intervene, directly or indirectly, . . . in the internal or external affairs of any other states. The foregoing principle prohibits not only armed force, but also any other form of interference.

The language of Article 18 is clear and unequivocal. It does not say that it can be waived when we don't like the government of a particular Latin American nation. It does not say that it applies in the case of a right wing dictatorship, but has no effect if the dictatorship is of the left. It provides in no uncertain terms that there will be no repeat, no attempt by a signatory to the treaty to intervene militarily, through surrogates, or otherwise, in the internal affairs of a member state.

Before the President finally revealed that what we have been trying to do is overthrow the Nicaraguan government all along, he kept telling us that our attempts to aid the contras were designed to interdict the movement of military supplies from Nicaragua to El Salvador. In fact, the administration has had an exceedingly difficult time finding any such movement of supplies to interdict.

But the Rio Treaty does not give us—or any signatory nation—the right unilaterally to make that decision. There is a carefully prescribed procedure for dealing with such a situation in the treaty itself.

Article 3 Paragraph 2 of the treaty states that:

On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take . . . The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

In addition, Article 5 requires that:

The High Contracting Parties shall immediately send to the Security Council of the United Nations . . . complete information concerning the activities undertaken.

It, therefore, were serious about stopping the movement of such supplies—if they existed at all—we had a perfect right to invoke the provisions of the treaty which cover such illegal activity on the part of others. The fact that we did not do so suggests to me that "interdiction" was nothing more than a cover story for our efforts to overthrow the Sandinistas.

In short, what we have here is an unlawful attempt by the U.S. Government—unlawful under national, as well as interna-



10 DOWNING STREET

THE PRIME MINISTER

Charles - can we check
 the press Nicaraguan
 statement and check it -
 rather than the press we
 have. I want it to be
 accurate"

PRIME MINISTER

We cannot yet find a verbatim text but I attach the official record of a call by the Nicaraguan Ambassador here on the Head of the Mexican & Central American Department of the Foreign Office during which he read out a telegram from the Nicaraguan Government. I think that it provides sufficient ammunition

Agree to sign letter, as amended by you? C.D.P. 15/1

NICARAGUAN PEACE PROPOSALS CONVEYED TO US CONGRESSMEN WHO VISITED NICARAGUA 20/21 APRIL

The following is an account of the Nicaraguan peace proposals which have not yet been published but which were given to me by the Nicaraguan Ambassador who was reading from a telegram which had just arrived from the Nicaraguan MFA.

1. The US should end its aggression against Nicaragua and return to the Manzanillo talks with a delegation which includes Congressmen of both political parties.
2. The creation of a normal relationship through dialogue would contribute effectively to the Contadora process.
3. An end of direct or indirect aggression would lead to a real ceasefire which in turn would allow the counter-revolutionary forces to give up their arms and accept the amnesty already offered, making use of the good offices of the Red Cross or the UNHCR.
4. An end of aggression would permit Nicaragua to make progress in its internal situation and implement the undertakings it has made to its people to provide for political pluralism and full civic liberties, including full freedom of the press.
5. This would at the same time allow progress in the context of a regional agreement, including the withdrawal of foreign military advisers in Central America thus removing the presence of all foreign military advisers from the region as Nicaraguan has proposed in the context of both Contadora and Manzanillo.
6. Nicaragua reaffirms its commitment to the Act of Contadora for peace and cooperation in Central America, particularly the following aspects:
 - a) non-intervention in the internal affairs of other states;
 - b) the principle of self-determination;

/c)

- c) the non-use of force or threats in relations between states;
- d) the undertaking not to cooperate or assist with individuals, groups or governments involved in actions which tend to destabilise or overthrow other governments.

7. Nicaragua repeated that any regional agreement must necessarily be subject to verification and control machinery.

MEXICO AND CENTRAL AMERICA DEPARTMENT

24 April 1985