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Foreign and Commonwealth Office

London SW1A 2AH

28 July 1986

*This is very important to the President - I think we should stand with him - not*

*Prime Minister  
This could be tricky. It would be hard to vote against a resolution which simply called for respect for the ICJ & its rulings. On the other hand the Americans are being helped over e.g. Extradition & South Africa.*

Dear Charles

UN SECURITY COUNCIL MEETING ON NICARAGUA/ICJ DECISION

The American Ambassador called on Lady Young this morning about tomorrow's Security Council meeting on the ICJ ruling and the situation in Nicaragua. He left the enclosed speaking note.

Mr Price said he wished to underline the vital importance of this issue for the White House and the State Department. He thought (but admitted that he was speculating) that the President might ring the Prime Minister and M. Chirac. The US Administration did not want to see a moderate Nicaraguan resolution create a "political charade" in which the US would be isolated from Britain and France, two of its closest allies. Voting for a moderate resolution would not increase respect for international law, but would set a dangerous precedent on a State's right to combat subversion and terrorism. The US was not responsible for the heart of the problem: the Nicaraguan regime was setting out to subvert its neighbours and destroy its own people's rights, financed and supported by Cuba and the Soviet Union.

Lady Young said that we were studying carefully the lengthy ruling of the ICJ, and would also look very closely at the terms of any Nicaraguan resolution. As the Secretary of State had reminded Mr Shultz in Tokyo,

*I have told the F.O. that you would want to be consulted before a decision on our vote was taken.*

*CDP 20/7.*

/we

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we always upheld the rule of law and ICJ rulings, even when these went against us. Sir Geoffrey Howe had repeated the point to Mr Habib in June. We had also made a number of Parliamentary statements reiterating our commitment to the rule of law. Lady Young reassured the Ambassador, however, that if we spoke on this subject in the Security Council we would have some pretty tough things to say about the Nicaraguans and that country's internal situation. Meanwhile, she would report to the Prime Minister the Ambassador's message.

*Yours ever*

*R N Culshaw*

R N Culshaw

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## UN SECURITY COUNCIL MEETING ON NICARAGUA AND THE ICJ DECISION

-- THE SECURITY COUNCIL MEETS TUESDAY (JULY 29) AT NICARAGUA'S REQUEST TO DISCUSS THE ICJ RULING AND THE NICARAGUAN SITUATION.

-- NICARAGUA'S PURPOSE IS CLEAR. IT IS NOT TO ENGENDER INTERNATIONAL RESPECT FOR THE RULE OF LAW OR FOR THE ICJ. NICARAGUA WANTS TO EMBARRASS THE U.S. AND DISTRACT ATTENTION FROM THE REPRESSIVE MEASURES IT IS TAKING INSIDE NICARAGUA.

-- NICARAGUA MAY OFFER A MODERATE RESOLUTION -- SIMPLY CALLING FOR RESPECT FOR THE ICJ AND ITS JUDGMENT IN THIS CASE. NICARAGUA WOULD HOPE THEREBY TO ISOLATE THE UNITED STATES AND, IN PARTICULAR, TO GET EVEN OUR CLOSEST ALLIES ON THE SECURITY COUNCIL TO CAST VOTES DIAMETRICALLY OPPOSED TO OURS.

-- WE TOO HOLD DEAR THE RULE OF LAW. BUT WE DO NOT THINK THAT VOTING FOR A NICARAGUAN RESOLUTION TO UPHOLD THE COURT'S JUDGMENT IN THIS CASE WILL DO ANYTHING TO INCREASE RESPECT FOR INTERNATIONAL LAW OR TO ADVANCE THE CAUSE OF PEACE AND FREEDOM IN CENTRAL AMERICA.

-- ON THE CONTRARY, VOTING FOR A NICARAGUAN RESOLUTION IN THIS CASE WILL LEND INTERNATIONAL SANCTION TO THE SANDINISTAS' GROWING INTERNAL REPRESSION AND THEIR CONTINUING AGGRESSION AGAINST THEIR DEMOCRATICALLY-ELECTED NEIGHBORS.

-- WE UNDERSTAND YOUR STRONG TRADITIONAL SUPPORT FOR THE ICJ. BUT WE ASK THAT YOU LOOK VERY CLOSELY AT THE COURT'S RULINGS IN THIS CASE. WE DO NOT THINK THAT SUPPORTING THE RULE OF LAW REQUIRES ONE'S UNEQUIVOCAL SUPPORT OF THIS ICJ JUDGMENT.

-- YOU ALREADY HAVE OUR LAWYERS' ANALYSIS OF THE ICJ DECISION. I WOULD CALL YOUR ATTENTION TO WHAT WE BELIEVE ARE DANGEROUS PRECEDENTS IN THE COURT'S RULING RELATING TO A STATE'S RIGHTS IN COMBATING SUBVERSION OR TERRORISM WHERE THE SUBVERSIVES OR TERRORISTS ARE MASSIVELY AIDED BY AN OUTSIDE POWER. THIS IS NOT A RULING WHICH WE FEEL DESERVES ANYONE'S UNCRITICAL SUPPORT.

-- THE U.S. IS NOT THE SOURCE OF THE CONFLICT IN CENTRAL AMERICA. THAT STRIFE RESULTS IN THE FIRST INSTANCE FROM NICARAGUA'S UNPROVOKED EFFORTS TO SUBVERT ITS NEIGHBORS AND ITS DESTRUCTION OF THE POLITICAL AND CIVIL RIGHTS OF ITS OWN PEOPLE.

-- IF THE U.S. STOPPED SUPPORTING THE NICARAGUAN DEMOCRATIC RESISTANCE -- AS BRITAIN AND OTHERS HAVE URGED -- THE RESULT WOULD NOT BE PEACE AND FREEDOM IN NICARAGUA. IT WOULD BE THE CONSOLIDATION OF ONE-PARTY RULE HEAVILY BACKED BY SOVIET, EAST EUROPEAN, AND CUBAN MILITARY ADVISORS AND EQUIPMENT.

-- WASHINGTON HAS INSTRUCTED ME TO EMPHASIZE TO YOU THAT THIS IS A MATTER OF THE UTMOST IMPORTANCE TO THE UNITED STATES. WE HOPE YOU WILL DECIDE TO STAND WITH US IN THE SECURITY COUNCIL.

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*From the Private Secretary*

29 July 1986

**UNITED NATIONS SECURITY COUNCIL MEETING  
ON NICARAGUA/ICJ DECISION**

The Prime Minister has now seen your letter of 28 July and the enclosed speaking note left by the American Ambassador. She notes that this issue is clearly very important to President Reagan. She would not wish any decision on our vote to be taken without being consulted directly.

(C. D. POWELL)

Robert Culshaw, Esq.,  
Foreign and Commonwealth Office.

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10 DOWNING STREET

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*From the Private Secretary*

28 July 1986

**UN SECURITY COUNCIL MEETING ON NICARAGUA:  
ICJ DECISION**

*B/S*

Thank you for your letter of 28 July about the forthcoming Security Council meeting on the ICJ's ruling on Nicaragua. I shall show this to the Prime Minister. I am sure, however, that she will wish to be consulted on the terms of our vote. Could you please let me have a recommendation once the text of the expected Nicaraguan resolution is available.

(Charles Powell)

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