

GRS 330

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I find this rather sneering comment from Sir J. Dawson after had to take.

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FM UKMIS NEW YORK

TO DESKBY 290900Z FCO

TELNO 1150

OF 290225Z OCTOBER 86

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YOUR TELNO 719: SECURITY COUNCIL: ICJ/NICARAGUA

I am tempted to write as in the attached letter.

SUMMARY

1. THE NAM DRAFT RESOLUTION GOES DOWN TO THE EXPECTED US VETO. UK, THAILAND AND FRANCE ABSTAIN, WITH THE REMAINING ELEVEN MEMBERS OF THE COUNCIL VOTING IN FAVOUR.

DETAIL

2. THE NON-ALIGNED CAUCUS TABLED THEIR DRAFT RESOLUTION SHORTLY BEFORE THE RESUMPTION OF THE DEBATE THIS AFTERNOON. THE TEXT WAS THE SAME AS THAT IN MY TELNO 1116, EXCEPT THAT THE SIXTH PREAMBULAR PARAGRAPH HAD BEEN REWORKED SO AS TO DELETE MENTION OF THE 'ONE HUNDRED MILLION DOLLARS'. THE AMENDED PARAGRAPH THEREFORE READ '... IN PARTICULAR, THE CONTINUED FINANCING BY THE UNITED STATES OF MILITARY AND OTHER ACTIVITIES IN AND AGAINST NICARAGUA'. BEFORE THE VOTE I INTERVENED BRIEFLY TO COMMENT THAT IT WAS THE PRACTICE OF THE COUNCIL TO ALLOW A DECENT INTERVAL BETWEEN CIRCULATION OF DRAFT RESOLUTIONS AND THE VOTE. ALTHOUGH I WAS PREPARED TO AGREE THAT THE VOTE SHOULD GO AHEAD ON THIS OCCASION, I HOPED IT WOULD NOT BECOME THE PRACTICE OF THE COUNCIL TO VOTE SO SHORTLY AFTER A TEXT HAD BEEN TABLED.

But you may think better not.

CDP Better Not sent.

3. THE RESULT WAS AS EXPECTED: 11 (DENMARK) - 1 (US) - 3 (UK, FRANCE, THAILAND). THAILAND, US AND CHINA EXPLAINED THEIR VOTE BEFORE THE VOTE. DENMARK, UK AND FRANCE AFTER THE VOTE.

COMMENT

4. A THREE-WAY SPLIT BETWEEN THE FIVE WESTERN MEMBERS OF THE COUNCIL IS ALWAYS A BAD RESULT. ON THIS OCCASION, IT WAS COMPOUNDED BY THE IRRITATION OF HAVING TO ENDURE THE LIKES OF GHANA AND NICARAGUA LECTURING US ON THE VIRTUES OF ADHERENCE TO INTERNATIONAL LAW. PERHAPS WE HAVE GAINED MARKS WITH THE US FOR LOYALTY. THE COST IS SOME UNDERMINING OF THE FORCE OF INTERNATIONAL

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LAW AND OF RESPECT FOR THE CHARTER. THE RIGHT OF VETO IS INCREASINGLY BEING QUESTIONED. MY FRENCH COLLEAGUE TOLD ME THAT SINCE THIS WAS WEAKENING THE POSITION OF BRITAIN AND FRANCE AS PERMANENT MEMBERS FRANCE WOULD NOT ABSTAIN AGAIN IN SIMILAR CIRCUMSTANCES.

5. FOR A SUMMARY OF THE DAY'S SPEECHES SEE MIFT.

THOMSON

YYYY

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10 DOWNING STREET
LONDON SW1A 2AA

26 October 1986

From the Private Secretary

Dear Tony,

UNITED NATIONS SECURITY COUNCIL: NICARAGUA/ICJ

The Prime Minister has considered the further arguments advanced by the Foreign Secretary, and conveyed in your letter of 24 October, for voting in favour of the resolution tabled by Nicaragua in the Security Council on the ICJ judgement.

The Prime Minister continues to regard the Nicaraguan resolution as a blatantly political and propagandist exercise - a view reinforced by UKMIS tel. no. 1125 - and sees no reason why we should play the Nicaraguan game. She points out that the United Nations would not even be considering this sort of resolution if, say, South Africa had obtained a judgement against Zambia and Zimbabwe for supplying arms and funds to the ANC. It is not a question of saying that the ICJ itself has been manipulated, but that Nicaragua is manipulating a legal judgement to make political capital. Our own position of principle can be dealt with by a firm Explanation of Vote. She would see no difficulty in justifying an abstention in the House on the grounds set out in this letter and my earlier one. Finally, the Prime Minister thinks that the arguments advanced in your letter take too narrow a view of what is at stake in this vote.

For these reasons, the Prime Minister remains very firmly of the view that we must abstain when the resolution comes to the vote.

I have spoken to the Attorney General. His view is that, while there are no legal grounds to justify abstention, there are political factors which point strongly towards it.

I am copying this letter to Michael Saunders (Attorney General's Chambers).

Yours sincerely,
(C.D. POWELL) *CP*

A.C. Galsworthy, Esq., C.M.G.,
Foreign and Commonwealth Office

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