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CONFIDENTIAL

FM WASHINGTON 090042Z APR 82

TO IMMEDIATE FCO

TELEGRAM NO 1206 OF 8 APRIL

INFO IMMEDIATE UKMIS NEW YORK, MEXICO CITY, SAN JOSE, TEGUCIGALPA,  
PANAMA CITY, BOGOTA, CARACAS, QUITO, BRASILIA, SANTIAGO,  
MONTEVIDEO, ASUNCION, KINGSTON, BRIDGETOWN, PORT OF SPAIN

OAS: RIO TREATY

1. THERE IS AN INTENSE DEBATE AMONG THE OAS DELEGATIONS HERE, INCLUDING THE AMERICAN ONE, ABOUT THE LEGAL QUESTIONS INVOLVED IN INVOKING THE RIO TREATY. SOME CONTEND THAT THE FALKLANDS DISPUTE FALLS OUTSIDE THE LEGISLATIVE (NOT THE GEOGRAPHIC) SCOPE OF THE TREATY BECAUSE THE U.N., AS A SUPERIOR BODY, IS SEIZED OF THE QUESTION AND HAS ESTABLISHED UNDER THE MANDATORY PROVISIONS OF THE CHARTER THE FRAMEWORK FOR A PEACEFUL SETTLEMENT IN SECURITY COUNCIL RESOLUTION 502 (THE ARGUMENT WE HAVE OURSELVES BEEN DEPLOYING). OTHERS ARE RELUCTANT TO SEE THE TREATY INVOKED LEST IT BE USED BY ARGENTINA TO LEGITIMIZE ITS INVASION. MORE ARE PROBABLY WORRIED BY THE FACT THAT A DETERMINATION TO TAKE MEASURES UNDER THE TREATY (NEEDING A 2/3 MAJORITY OF THE SIGNATORIES) IS MANDATORY ON ALL

ARGENTINA TO LEGITIMIZE  
BY THE FACT THAT A DETERMINATION TO TAKE MEASURES UNDER THE TREATY  
(NEEDING A 2/3 MAJORITY OF THE SIGNATORIES) IS MANDATORY ON ALL  
SIGNATORIES.

2. THESE PROBLEMS ARE COMPOUNDED BY THE ANGLOPHONE MEMBERS' INSISTENCE THAT THEY HAVE A RIGHT TO VOTE ON WHETHER TO CONVENE THE OAS PERMANENT COUNCIL, EVEN THOUGH THEY COULD NOT VOTE ON ANY RESOLUTION UNDER THE RIO TREATY ITSELF.

3. THE ARGENTINE DELEGATION IS OF COURSE LOOKING FOR WAYS OF OVERCOMING THESE PROBLEMS. TO CONVENE THE OAS UNDER THE RIO TREATY AND TO PASS A RESOLUTION REQUIRING ACTION WOULD NEED 15 TO 16 VOTES WHICH IT IS NOT AT PRESENT FINDING IT EASY TO OBTAIN. WHILE SOME MORE ACTIVE DISPLAY OF LATIN SOLIDARITY LOOKS LIKELY WHEN OUR FLEET ENTERS THE TREATY AREA. OR NAVAL HOSTILITIES BEGIN. THE PURPOSE OF THE RESUMED OAS MEETING ON MONDAY WILL ON PRESENT PLANS BE TO DISCUSS THE COLOMBIAN DRAFT RESOLUTION.

HENDERSON

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