

## 237. Telegram From the Department of State to Multiple Diplomatic Posts<sup>1</sup>

Washington, May 6, 1982, 1926Z

123255. Military addrees treat as Specat Exclusive. For Ambassador Kirkpatrick from Secretary Haig. Subject: Falklands Dispute, Action by the Secretary General. Ref: A) USUN New York 1252,<sup>2</sup> B) USUN New York 1256.<sup>3</sup>

1. (Confidential–Entire text)

2. As the focus of diplomacy now shifts to New York, it is important that certain fundamental principles and objectives be clear and constant. I would appreciate your conveying these to the Secretary General, in response to the points he made to you yesterday (Ref A) and urge that he take these into account as he considers his role and the UN's in any future peacemaking effort.

3. We believe that a ceasefire and a total withdrawal of military and security forces within a short, definite period, must be linked. Partial withdrawal, or de facto partition of the Islands, or any ceasefire/withdrawal arrangements that could be interrupted by the Argentines are not acceptable solutions. This would have unfortunate future ramifications in other territorial disputes, and compromise the UK's legitimate invocation of the right of self-defense in light of Argentina's non-compliance with UNSC Resolution 502.

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<sup>1</sup> Source: Department of State, Central Foreign Policy File, D850030-0736. Confidential; Immediate; Exdis. Sent to USUN, all American Republic diplomatic posts, all OECD capitals, UN Security Council capitals, USSOUTHCOM, and USCINCLANT. Drafted and approved by Thomas; cleared by Gillespie and in S/S-O.

<sup>2</sup> In telegram 1252 from USUN, May 6, Kirkpatrick transmitted a report of her May 5 meeting with Pérez de Cuéllar. The Secretary General informed Kirkpatrick that he had "urgent appeals" from the King of Spain, the President of Colombia, and the Foreign Ministers of Brazil and Venezuela to "take initiatives to bring peace to the South Atlantic." Pérez de Cuéllar added that Argentina had accepted his mediating role and accepted "in principle" his proposal for a ceasefire, that "several EC representatives, including France and Germany, have turned around on the question," that "opinion in the Security Council and in the U.N. has turned strongly against the U.K., whom everyone feels is resisting settlement," that "the U.S. is not seen as a potential referee since they have taken a partisan role," and that the "so-called Peruvian initiative is seen as nothing but Secretary's Haig's proposals translated into Spanish." (Department of State, Central Foreign Policy File, D850020-0147)

<sup>3</sup> In telegram 1256 from USUN, May 6, the Mission reported: "Security Council met 5 May 1982 in response to Irish call for consideration of Falklands crisis. The Council agreed for the moment not to hold a formal meeting but to issue a statement by the President on behalf of the Council and to meet again Thursday, May 6." (Department of State, Central Foreign Policy File, D820236-0184)

4. We believe that all other issues, in particular the question of sovereignty, are and must be negotiable. We have been unable to date to get agreement from Argentina on a negotiation mandate that does not prejudice the sovereignty issue. The United States has adopted no position regarding the competing claims of the UK and Argentina to the Islands, and we do not intend to. We likewise take no position on the underlying legal theories and their application in this dispute. We have stated only that the wishes of the Islanders should be taken into account.

5. We are open about possible UN peacekeeping, administration and negotiation roles, which are all negotiable. The US would be willing to continue to participate in the negotiations under UN auspices, if the Secretary General sought the assistance of a personal representative or contact group.

6. We will oppose any proposed elements that would appear to reward aggression, encourage military action in the many other outstanding cases of territorial dispute, or which derogate from the rule of law, in particular the principle that disputes must be resolved peacefully consistent with the UN Charter, and the right of self-defense. We will stand by these principles even if isolated.

7. As for the Secretary General's desire to pursue his initiative at this time, we want him to know we understand the pressures he is under to act now. However, we want to emphasize our view that until there is a closer agreement by the UK and Argentina on the conditions and terms of reference for any initiative and the modalities for ceasefire, disengagement, administration and negotiations, it would be harmful to launch such an initiative. We understand that whereas the UK and Argentina have expressed interest in Perez's proposal, it will require further elaboration and understandings between the parties before it could go forward. Moreover, we do not dismiss the possibility that the UK and Argentina may prefer to proceed along other lines. It is important to wait until both sides have the understandings they need and agreement on the best approach before proceeding. Our interest is in finding the most promising route to a settlement, whether under the SYG's auspices or otherwise, even though this may take more time.

8. Our position in further consultations of the Security Council should be, in accordance with the above, to discourage any further formal action by the Council at least until informal contacts with the parties produces agreement on an acceptable approach to negotiations.

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