

404. Action Memorandum From the Assistant Secretary of State for Inter-American Affairs (Enders), the Assistant Secretary of State-Designate for European Affairs (Burt), and the Assistant Secretary of State for International Organization Affairs (Newell) to Secretary of State Shultz¹

Washington, October 28, 1982

SUBJECT

U.S. Position on Falklands Resolution

Issue for Decision

Whether we should vote for a modified Argentine UN resolution on the Falklands.

Essential Factors

On October 25, we communicated to the Argentines our approved position on the UN Falklands Resolution (Tab 1).² They responded October 27 in two separate channels. Foreign Minister Aguirre Lanari told Ambassador Shlaudeman that Argentina would eliminate all references to the Non-Aligned Movement if we would commit ourselves to vote for the resolution (Tab 2).³ This change would remove the draft

¹ Source: Department of State, Central Foreign Policy File, P890116-0020. Secret; Exdis. Sent through Eagleburger. Drafted by N.S. Smith on October 27; cleared by M. Kozak. Neither Smith nor Kozak initialed the memorandum.

² Attached at Tab 1 but not printed is telegram 301044 to Buenos Aires, USUN, and London, October 26, which summarized Enders's October 25 meeting with Garcia del Solar at which Enders presented the U.S. position approved in Document 402.

³ Attached at Tab 2 but not printed is telegram 6146 from Buenos Aires, October 27, in which Shlaudeman related an exchange with Aguirre Lanarri on the UN resolution at a social occasion the previous evening.

language which clearly prejudged the sovereignty issue, thus meeting one of our two key requirements (see Tab 3).⁴ Meanwhile, the Argentine Ambassador here, under instructions, offered to drop the offensive term “colonialism” from the preamble, substituting the more neutral phrase “colonial situations.” Other changes he offered were less important (see Tab 3 and Tab 4).⁵

L believes that the amended Argentine draft resolution is sufficiently flexible that it need not be interpreted in a manner that is legally prejudicial to the position of either party to the dispute. This does not, of course, preclude the possibility that the UK may argue that such a legal prejudice exists. At the same time, Argentina will obviously give the preambular and operative paragraphs together an interpretation consistent with its own objectives.

If Argentina is definitely prepared to make these two changes, *ARA believes* it will have complied with the essential elements of our position. The resolution as now drafted clearly commands a UN majority. Moreover, recent reporting indicates that most of Britain’s EC partners and Canada also tend toward voting in favor of a modified resolution (Tab 5).⁶ The Argentines view it as a key to our future relations and would react very negatively to our failure to support a moderate resolution. Moreover, a U.S. vote to abstain on such a resolution would isolate us from most of Latin America and signal—shortly before the President’s trip to the region⁷—that we attach primacy to our relations with the UK over those with Latin America. Thus, *ARA* strongly recommends that we now inform the Argentines we will support the resolution as modified. A cable of instructions is attached at Tab 6.⁸

EUR believes that the Argentine changes, while welcome, do not go far enough to warrant US support for the resolution. It is irrelevant whether “colonialism” or “colonial situations” is used. The Argentines are using the language to refer to the Falkland situation because it has come to project an image of illegality, force, or denial of political free-

⁴ Attached at Tab 3 but not printed is the text of the new Argentine draft of the resolution as revised October 27, an undated legal analysis of the draft produced by Gudgeon, and an undated position paper on the draft produced in EUR.

⁵ Attached at Tab 4 but not printed is telegram 302505 to Buenos Aires, USUN, and London, October 27, detailing the proposed changes to the draft resolution which were made by Garcia del Solar and incorporated into the revised text at Tab 3.

⁶ Attached at Tab 5 but not printed is telegram 7840 from Copenhagen, October 22, which summarized the discussion of the Falklands/Malvinas at the October 16–17 EC Foreign Ministers meeting in Denmark; and telegram 6078 from Buenos Aires, October 25, which relayed draft language for the resolution developed by the Canadians.

⁷ Reagan traveled to Brazil, Colombia, Costa Rica, and Honduras November 30–December 4.

⁸ Attached at Tab 6 but not printed is a draft telegram, which N.S. Smith drafted on October 27.

dom. EUR believes that our objection to prejudging the *question* of negotiation (sovereignty) has not been addressed by the Argentines, nor has the issue of references to earlier UN resolutions not supported by the US. Therefore, EUR insists that the specific references to sovereignty as the subject of negotiations and to earlier UNGA resolutions and the use of the words “colonial situation” demonstrate that the resolution is still not sufficiently balanced in political terms for the US to support over the strong objections of HMG (Mrs. Thatcher has just sent an appeal to the President for support on this issue; see Tab 7).⁹

At a time when our relations with our closest ally and vital defense partner are seriously strained, EUR believes we should not bend to the Argentine wish to put the British on the defensive politically on an issue which cost them so much in terms of lives and fortune. We know the resolution, even if passed with a large majority, will not advance the cause of reconciliation between Britain and Argentina. Nor will it bring about early negotiations. In fact, it will have the opposite effect. EUR welcomes the Argentine changes, but they simply do not go far enough to warrant voting against the British.

Ambassador Kirkpatrick, despite great exasperation with Argentine behavior in the UN, feels strongly that we should vote for the resolution as now amended. Stressing that this question is a major concern to all Latin American countries (virtually all their foreign ministers have spoken directly to her), she believes our vote will be seen not as a vote for Argentina but as a vote for Latin America—an action which would demonstrate U.S. concern for and solidarity with this hemisphere. She notes a vote in favor of the resolution as now amended would not derogate from the two preconditions we have laid down from the outset.

Although the current resolution is somewhat prejudicial in political terms against the UK, IO *considers* it basically “neutral” from the UN legal and procedural angle—and IO supports Ambassador Kirkpatrick’s position. IO also believes it is vital that we inform the UK of our position at the same time as we tell Argentina.

“Self-Determination” Issue: IO also believes we should be prepared to vote for a reference to self-determination if the UK seeks to insert this into the text in accordance with its position that this must be an important element in accomplishing a resolution to the dispute. ARA and L point out that this is a very complex issue, which was a central

⁹ Attached at Tab 7 but not printed is the text of Thatcher’s October 25 message to Reagan. See Document 403.

component of Secretary Haig's mediation effort (see Tab 8).¹⁰ It would be necessary to be sure that the text of the particular amendment in question did not prejudice the sovereignty issue—either for Argentina or for the UK. The bureaus concerned will submit a full analysis of this issue for your consideration prior to our having to vote on any self-determination amendment.

*RECOMMENDATIONS:*¹¹

1. That you authorize us to inform the Government of Argentina that we will support the resolution as modified (ARA and IO favor).

2. *Alternatively*, that you authorize us to inform the GOA that we will support the resolution as modified, provided the words "colonial situation", "sovereignty" and references to earlier UN resolutions are dropped. Otherwise, that we will abstain (EUR favors).

¹⁰ Attached at Tab 8 but not printed are two memoranda drafted by Gudgeon on October 28 and May 10 analyzing the applicability of the concept of self-determination to the Falklands/Malvinas.

¹¹ Shultz neither approved nor disapproved the two recommendations. Below the recommendations, Bremer wrote on October 29: "Secretary wants a SecPres [i.e., a memorandum from the Secretary to the President] to address proposed course of action. LPB." On October 29, Eagleburger sent a memorandum to Shultz expressing his agreement with the recommendation to support the Argentine resolution. At the end of the memorandum, Eagleburger wrote: "G.S.—This is a *close* call and will cause problems no matter which way we come out. If you agree with ARA and me that we should support the Argentines if the changes are made, there is still a strong chance that the Pres. will want to support Thatcher. LSE." A stamped notation at the top of Eagleburger's memorandum indicates that Shultz saw it. (Department of State, Bureau of European Affairs, United Kingdom Political Files, Lot 89D489, Falklands—Memos/Letters/Press 1982) For Shultz's October 30 memorandum to Reagan, see Document 405.