

412. Action Memorandum From the Assistant Secretary of State for Inter-American Affairs (Enders), the Permanent Representative to the Organization of American States (Middendorf), and the Acting Assistant Secretary of State for European Affairs (Blackwill) to Secretary of State Shultz¹

Washington, November 12, 1982

SUBJECT

Proposed Argentine Resolution on Falklands/Malvinas Issue

ISSUE FOR DECISION

Whether to accept the Argentine draft OASGA Resolution at Tab A² or abstain at the OASGA on a much stronger Resolution which will pass overwhelmingly.

ESSENTIAL FACTORS

Prior to our vote for UNGA Res. 37/9 on November 4,³ the Argentines had circulated to selected Latin OAS Delegations the draft OASGA Resolution at Tab B.⁴

Argentine Ambassador to the OAS Quijano returned from Buenos Aires on November 10. He reports the GOA recognizes and appreciates the effort we made in our vote at the UNGA. They have reassessed their relationship with us and their position in the hemisphere and wish to cooperate with us on a broad front and to avoid confrontation. Their first step was to throw their support to Honduras Foreign Minister Paz Barnica, our candidate for the Chairmanship of the OASGA. The next was to prepare a Falklands/Malvinas Resolution for the OASGA designed to meet their minimal requirements while attempting to accommodate our concerns so as to permit us to support the Resolution. The text at Tab A, supporting UNGA Res. 37/9, is the result.

The GOA recognizes that, given the position of the Caribbean members of the OAS, even that text cannot be approved by consensus. Nevertheless, they are prepared to withdraw the earlier draft Resolu-

¹ Source: Department of State, Central Foreign Policy File, P890116-0107. Confidential; Exdis. Drafted by Thompson; cleared by Gompert, D. Toussaint (IO), Kirkpatrick, and M. Kozak (L). Thompson initialed for Toussaint, Kirkpatrick, and Kozak. He also initialed for Middendorf. A stamped notation at the top of the memorandum indicates that Shultz saw it.

² Attached but not printed.

³ See footnote 3, Document 410.

⁴ Attached but not printed. The OAS General Assembly was scheduled to convene November 15-20.

tion (Tab B) and present the new text (Tab A) if we find it acceptable. This position responds to the importance they attach to our support and their desire to avoid any conflict with or embarrassment to us at the OASGA.

If the United States is unable to accept the new Argentine text the Foreign Minister has said the GOA will understand and there will be no hard feelings. However, in that event Argentina will have to revert to a somewhat strengthened version of the earlier draft containing the references to "Argentine sovereignty," "colonial situation," "injury to the territorial integrity of a member state," etc., which we find objectionable. Regrettably, Argentine support for this stronger text will also require the Foreign Minister's speech on November 17 to sound more harsh and confrontational than would be the case if we can agree on a text. (You follow the Argentine Foreign Minister in the speaking order that day.)⁵ Argentina is assured of all twenty Latin American votes for the stronger Resolution.

Given the tactical decision Argentina must make, Ambassador Quijano requests an urgent response.

BUREAU POSITIONS

EUR believes that the US should abstain on the attached draft language and that we should not negotiate a Resolution with the Argentines.⁶ The latest draft is unacceptable because it (a) prejudices the outcome by referring to previous resolutions that recognize Argentine sovereignty and criticize US measures adopted in response to the Argentine use of force; (b) by calling on the parties to carry out the UNGA Resolution it violates the President's promise to Mrs. Thatcher that the US would not press the British to negotiate; and (c) coming so soon after the UN vote it would confirm British fears that the US cannot be counted on to support an ally resisting aggression. In light of the deep wounds in Britain resulting from our UN vote, we must be sure that our actions on the Falklands/Malvinas conform to our assurances to HMG that the US will play a neutral and detached role in the ensuing controversy. US support for the proposed Resolution will not promote a peaceful resolution of the problem. On the contrary, it will stiffen the resistance of London to negotiations with Buenos Aires. Lastly, if Mrs. Thatcher attends the Brezhnev funeral, we are going to recommend that you and the Vice President meet with her to put the Falklands/Malvinas issue behind us. That effort at reconcilia-

⁵ For the text of Shultz's November 17 speech to the OAS General Assembly, see Department of State *Bulletin*, December 1982, pp. 64-67.

⁶ Shultz underlined "EUR," and the portion of the sentence beginning with "US."

tion would obviously be incompatible with a vote at the OAS which will be certain to send Mrs. Thatcher around the bend again.

L advises that the draft Resolution is substantively consistent with our position at the⁷ UN: It contains nothing that prejudices the UK legal position and sets no deadline for negotiations. Like the UN Resolution, it contains preambular references to resolutions we did not support. As in that case, however, mere recalling of action taken by the same or related body is consistent with international practice and does not prejudice our position of non-support for the previous resolution. L would recommend that we seek two small changes in the draft: using the accepted UN practice of referring to the Malvinas (Falklands) in *alternat*, or simply avoiding specific references to the Islands' name; and ensuring wording or translation of operative paragraph 2 that does not connote a legally binding nature to the UNGA Resolution (i.e., "carry out" rather than "comply" with the Resolution).

P (David Gompert on behalf of Larry Eagleburger, who favored supporting the Argentine Resolution in the UN) believes that supporting the moderate Argentine Resolution in the OAS would spark a new and potentially more bitter British reaction, particularly because of the preambular reference to previous OAS resolutions that flatly endorsed Argentine sovereignty. It would not be at all inconsistent for us to abstain on this Resolution after having supported the UN Resolution,⁸ indeed, it could usefully show that we draw the line when language becomes more prejudicial—politically, if not legalistically—than the UN text. At the same time, if we intend to abstain, we are far better off doing so on the *less* moderate Argentine Resolution, which no one could possibly expect us to support or seriously criticize us for failing to support. Therefore, the best approach, in P's view, is to tell the Argentines that, in addition to the changes L recommends, *all* reference to the earlier OAS resolutions⁹ must be dropped if we are to support the Resolution. If, as would seem unlikely, they can make such a change, we can and should support the Resolution. If they cannot and therefore put forward the less moderate Resolution, our abstention will be fully

⁷ Shultz underlined "draft Resolution is substantively consistent with our position at the."

⁸ Shultz underlined the portion of this sentence beginning with "would" and concluding with "Resolution."

⁹ Reference is to Resolutions I and II on the situation in the South Atlantic adopted at the 20th Meeting of Consultation of Ministers of Foreign Relations on April 28 and May 29, respectively. For Resolution I, see footnote 2, Document 185. For Resolution II, requesting that the Rio Treaty states give Argentina "the support that each judges appropriate," see footnote 3, Document 305.

understood.¹⁰ IO concurs in P's position, and points out that one of the OAS resolutions cited in the Preamble criticizes the US by name for "coercive measures"¹¹ against Argentina in support of the UK.

ARA and USOAS believe the Argentine Text represents a major conciliatory effort. They have gone far in producing a moderate draft, one that is in some respects more moderate than the UN Resolution we supported (e.g., the OAS draft contains *no* reference to the "colonial situation" on the islands). While the preambular part of the draft does refer to the previous action taken by the XX MFM, it would be difficult to conceive of an OAS resolution that did not mention an action taken by an OAS body on the identical subject. ARA and USOAS would emphasize L's advice that *legally*, and in their view *practically*, the "having seen" reference to the MFM resolutions does not constitute endorsement of their content. USOAS also points out that our explanation of vote can expressly declare that our positive vote does not imply acceptance of the previous MFM resolutions. USOAS believes it may be possible to persuade the Argentines to make the two changes suggested by L but not to delete all reference to the previous OAS resolutions. ARA and USOAS believe we should work with the Argentine text. Like EUR, ARA thinks the verb "calls upon" is too strong to square with our commitment to the British not to press them on implementation of the UNGA Resolution. ARA proposes that we seek to modify that verb to "expresses the hope." A positive US vote would not only strengthen the improvement in our relationship with Argentina but would significantly strengthen the OAS by a show of US/Latin American unity after a divisive period. It would greatly contribute to the atmosphere for the President's trip. A US abstention on a Falklands/Malvinas Resolution at this time would be perceived by the Latin Americans as a reversal and would undo much of the reconciliation achieved up to now.¹² It will be exploited by Nicaragua and our opponents in the hemisphere to detract from the President's trip.

RECOMMENDATION¹³

1. That you instruct USOAS to inform Ambassador Quijano that we can vote for the Argentine text at Tab A, with the adjustments proposed by L and ARA. (ARA, USOAS and Ambassador Kirkpatrick favor.)

¹⁰ Shultz drew a double line in the right-hand margin next to this sentence in order to highlight it.

¹¹ Shultz underlined the portion of this sentence beginning with "one" and concluding with 'measures.'

¹² In this sentence, Shultz underlined "A US abstention" and "would be perceived by the Latin Americans as a reversal and."

¹³ Shultz neither approved nor disapproved the three recommendations. Below the recommendations, Bremer wrote on November 13: "Sec's action reported Tosec #2 + 4." Shultz left Washington that day to accompany Bush to Moscow to attend the November 15 funeral of Soviet General Secretary Brezhnev.

2. Alternatively, that you instruct USOAS to inform Quijano that we can vote for the new text only if *all* references to earlier OAS resolutions are dropped, in addition to making the changes in (1) above. (P and IO favor.)

3. Alternatively, that you instruct USOAS to refrain from negotiating with Quijano and to abstain on either of the attached drafts. (EUR favors.)