

ADVANCE COPIES: FALKLAND ISLANDS

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MR WRIGHT
MR ADAMS
MR URE
MR GILLMORE

PS No. 10 DOWNING ST.

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MR LITTLER
MR HAWTIN
MR PERETZ
MR ILETT
MR MCINTYRE

H.M.Tsy

HD/SAMD (FCO DIST + A/D F/I)
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FROM UKMIS NEW YORK 100026Z APR 82
TO IMMEDIATE F C O
TELEGRAM NUMBER 436 DATED 9 APRIL 82
INFO IMMEDIATE WASHINGTON, UKMIS GENEVA, UKDEL NATO, DUBLIN,
PARIS, BONN, MODUK SITCEN

FALKLAND ISLANDS AT THE UN

1. THE SECURITY COUNCIL MET MORNING AND AFTERNOON TODAY (9 APRIL) TO ADOPT A RESOLUTION ON THE THREE ANC CONVICTS (REPORTED SEPARATELY). JUST BEFORE THE AFTERNOON MEETING, ROCA (ARGENTINA) DELIVERED TO THE PRESIDENT A LETTER (TEXT BY FACSIMILE TO EMERGENCY UNIT AND WILLIAMS (UND)) CONTAINING THE TEXTS OF OUR ANNOUNCEMENT OF THE MARITIME EXCLUSION ZONE AND OF THE ARGENTINE GOVERNMENT'S REPLY TO THE SWISS EMBASSY IN BUENOS AIRES TO THE EFFECT THAT OUR "BLOCKADE" IS AN ACT OF AGGRESSION AS DEFINED IN ARTICLE 3(C) OF GAR 3314 (XXIX) (THE DEFINITION OF AGGRESSION). ROCA MERELY ASKED FOR HIS LETTER TO BE CIRCULATED AND MADE NO MENTION OF A MEETING.

2. ROCA'S LETTER PROMPTED THE PRESIDENT (KAMANDA, ZAIRE) TO CONVENE INFORMAL CONSULTATIONS OF THE WHOLE COUNCIL AFTER THE PROCEEDINGS ON SOUTH AFRICA WERE CONCLUDED. BEFORE THESE

2. ROCA'S LETTER PROMPTED THE PRESIDENT TO CONVENE INFORMAL CONSULTATIONS OF THE WHOLE COUNCIL AFTER THE PROCEEDINGS ON SOUTH AFRICA WERE CONCLUDED. BEFORE THESE CONSULTATIONS, I GAVE HIM OUR LETTER ABOUT THE MARITIME EXCLUSION ZONE (YOUR TELNO 240, AS AMENDED IN TELECONS ANDERSON/WILLIAMS). IT WILL BE CIRCULATED AS A SECURITY COUNCIL DOCUMENT.

3. BEFORE THE CONSULTATIONS BEGAN, DORR (IRELAND) WAS SPREADING THE VIEW THAT HAIG'S MISSION TO LONDON AND BA WAS UNLIKELY TO SUCCEED, THAT HOSTILITIES MIGHT BEGIN AS SOON AS MONDAY AND THAT THERE COULD THEREFORE BE A VERY BRIEF INTERVAL IN WHICH IT WOULD BE RIGHT FOR THE SECRETARY-GENERAL TO ACT. DORR FOUND A READY AUDIENCE IN DE PINIES (SPAIN), NISIBORI (JAPAN) AND AHMED (SECRETARIAT). URQUHART AND I ARGUED STRONGLY THAT IT WOULD BE PREMATURE FOR THE SECRETARY-GENERAL TO ACT. URQUHART HAD EARLIER TOLD US THAT HE HAD SPOKEN TO PEREZ DE CUELLAR AFTER SIR A PARSONS HAD DONE SO (YOUR TELNO 241). PEREZ DE CUELLAR REMAINED PERSUADED THAT IT WOULD BE WRONG FOR HIM TO TAKE ANY INITIATIVE AT THIS STAGE, BUT HAD MORE OR LESS MADE UP HIS MIND TO RETURN TO NEW YORK ON 13 APRIL, PARTLY BECAUSE OF THE FALKLAND ISLANDS BUT ALSO BECAUSE OF THE IMMINENT THREAT OF AN ISRAELI ATTACK ON LEBANON.

4. AT THE INFORMAL CONSULTATIONS, KAMANDA SAID THAT HE WAS IN CLOSE CONTACT WITH THE SECRETARY-GENERAL AND THE TWO PARTIES. HE HAD RECEIVED LETTERS FROM THE ARGENTINE AMBASSADOR AND MYSELF. THESE WOULD BE TRANSLATED AND DISTRIBUTED. HE HAD BEEN INFORMED OF THE "GOOD OFFICES" OF SECRETARY HAIG, TO WHOM HE WISHED EVERY SUCCESS. IF THERE WERE ANY SIGNIFICANT DEVELOPMENTS OVER THE WEEKEND HE WOULD CONTACT MEMBERS OF THE COUNCIL. OVINIKOV (USSR), WHO WAS STILL SMARTING FROM A BRISK EXCHANGE WITH LICHENSTEIN (US) IN THE OPEN COUNCIL, SAID THAT A FEW DAYS EARLIER THE SECURITY COUNCIL HAD ADOPTED A RESOLUTION SPONSORED BY THE UK WHOSE FIRST OPERATIVE PARA DEMANDED THE CESSATION OF HOSTILITIES. WHAT WERE THE UK'S INTENTIONS WITH REGARD TO THIS PARAGRAPH? I SAID THAT THE UK'S POSITION WAS VERY SIMPLE. THE COUNCIL HAD ADOPTED A MANDATORY RESOLUTION WITH THREE OPERATIVE PARAS. THE UK WAS AWAITING IMPLEMENTATION OF ALL THREE OF THEM AS SOON AS POSSIBLE. IF THE SECOND WAS IMPLEMENTED, THERE WOULD BE NO PROBLEM ABOUT THE OTHER TWO. THE PROCEEDINGS WERE THEN CLOSED BY KAMANDA WITH AN APPEAL FOR MAXIMUM RESTRAINT.

5. WE HAVE REPORTED THE ABOVE BY TELEPHONE TO SIR A PARSONS AND AGREED WITH HIM THAT, UNLESS THERE ARE UNTOWARD DEVELOPMENTS OVER THE WEEKEND, HE WILL NOT RETURN TO NEW YORK UNTIL THE 10.30 AM CONCORDE ON 12 APRIL. WE HAVE ALSO AGREED WITH HIM THAT COUNCILLOR CHEEK AND HIS COMPANION (TELECONS GOULDING/WILLIAMS) SHOULD NOT COME TO NEW YORK UNTIL THERE IS A DEFINITE

10.30 AM CONCORDE ON 12 APRIL. WE HAVE ALSO AGREED WITH HIM THAT COUNCILLOR CHEEK AND HIS COMPANION (TELECONS GOULDING/WILLIAMS) SHOULD NOT COME TO NEW YORK UNTIL THERE IS A DEFINITE DATE FOR A FORMAL MEETING OF THE SECURITY COUNCIL.

6. ON THE ASSUMPTION THAT COUNCIL PROCEEDINGS WILL BE UNAVOIDABLE NEXT WEEK, I THINK THAT THE BALANCE OF ADVANTAGE LIES IN OUR GETTING IN AN EARLY REBUTTAL OF THE ARGENTINE CHARGE OF AGGRESSION. IF YOU PLAN TO REPLY TO THEM VIA THE SWISS IN BA, WE COULD HAVE YOUR REPLY CIRCULATED AS A DOCUMENT OF THE SECURITY COUNCIL. ALTERNATIVELY, I COULD WRITE TO THE PRESIDENT MAKING THE POINTS THAT:

- A) ARTICLE 3 (C) OF THE DEFINITION OF AGGRESSION REFERS TO THE BLOCKADE OF THE COAST OF STATE A BY THE ARMED FORCES OF STATE B WHEREAS OUR ZONE SURROUNDS BRITISH TERRITORY:
- B) RESOLUTION 502 CHARACTERISES THE ARGENTINE ATTACK AS AN INVASION WHICH ARTICLE 3(A) DEFINES AS AN ACT OF AGGRESSION.

THE CONCLUSION WOULD BE DRAWN THAT ONLY ARGENTINA HAD COMMITTED AN ACT OF AGGRESSION.

WHYTE

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PS

PS/LPS

PS/MR LUCE

PS/PUS

~~MR DAY~~ *Sir J Lealy*

MR WRIGHT

SIR L ALLINSON

MR ADAMS

MR GILLMORE

HD/S AF D

HD/C AF D

HD/UND

HD/DEFENCE D

MR FREELAND LEGAL ADVISER RMK200A

HD/NEWS D

RESIDENT CLERK

MR COLLINS DOT

MR R L WADE-GERY
CABINET OFFICE

NO 10 DOWNING STREET

UNCLASSIFIED

FROM U K MISSION NEW YORK 092322Z APRIL 82

TO IMMEDIATE FCO

TELEGRAM NUMBER 435 OF 9 APRIL

INFO IMMEDIATE CAPE TOWN ROUTINE WASHINGTON PARIS

INFO SAVING MOSCOW.

MIPT: CONDEMNED ANC MEMBERS.

FOLLOWING IS TEXT OF S C RESOLUTION 503/1982

THE SECURITY COUNCIL,

RECALLING RESOLUTION 473 (1980) AND ITS STATEMENT OF 5 FEBRUARY 1981 (S/14361) REGARDING THE DEATH SENTENCES PASSED BY THE TRANSVAAL DIVISION OF THE SUPREME COURT IN PRETORIA ON NEIMBITI JOHNSON LUBISI, PETRUS TSEPO MASHIGO AND NAPHTALI MANANA, THREE MEMBERS OF THE AFRICAN NATIONAL CONGRESS OF SOUTH AFRICA,

GRAVELY CONCERNED OVER THE CONFIRMATION OF THE DEATH SENTENCES BY THE SOUTH AFRICAN COURT OF APPEAL ON 7 APRIL 1982,

DEEPLY CONCERNED THAT THE CARRYING OUT OF THE DEATH SENTENCES WOULD FURTHER AGGRAVATE THE SITUATION IN SOUTH AFRICA,

1. CALLS UPON THE SOUTH AFRICAN AUTHORITIES TO COMMUTE THE DEATH SENTENCES:

2. URGES ALL STATES AND ORGANIZATIONS TO USE THEIR INFLUENCE AND TO TAKE URGENT MEASURES IN CONFORMITY WITH THE CHARTER OF THE UNITED NATIONS, THE RESOLUTIONS OF THE SECURITY COUNCIL AND RELEVANT INTERNATIONAL INSTRUMENTS TO SAVE THE LIVES OF THESE THREE MEN.

FCO PASS SAVING MOSCOW

WHYTE

PS
 PS/LPS
 PS/MR LUCE
 PS/PUS
 MR DAY *SM J Leahy*
 MR WRIGHT
 SIR L ALLINSON
 MR ADAMS
 MR GILLMORE
 HD/S AF D
 HD/C AF D
 HD/UND
 HD/DEFENCE D
 MR FREELAND LEGAL ADVISER RMK200A
 HD/NEWS D
 RESIDENT CLERK

MR COLLINS DOT
 MR R L WADE-GERY
 CABINET OFFICE
 NO 10 DOWNING STREET

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RESTRICTED

FROM U K MISSION NEW YORK 100010Z APRIL 82
 TO IMMEDIATE FCO
 TELEGRAM NUMBER 434 OF 9 APRIL
 INFO IMMEDIATE CAPE TOWN ROUTINE WASHINGTON PARIS
 INFO SAVING MOSCOW.
 YOUR TELNO 239: CONDEMNED ANC MEMBERS.
 SUMMARY.

1. THE TEXT IN MIFT WAS ADOPTED UNANIMOUSLY ON 9 APRIL AS SCR 503. PROCEEDINGS WERE PROLONGED BY NEGOTIATIONS BETWEEN THE AFRICAN GROUP AND THE AMERICANS AND THE LATTER'S NEED TO REFER TO WASHINGTON. THERE WAS ALSO A BRIEF EXCHANGE BETWEEN THE AMERICANS AND THE RUSSIANS OVER HUMAN RIGHTS IN THE USSR, POLAND AND ELSEWHERE. BUT THERE WAS LESS HEAT THAN ON THE LAST TWO SIMILAR OCCASIONS. WE WERE ABLE TO REMAIN IN CLOSE ACCORD WITH THE AFRICANS.

DETAIL.

2. IN INFORMAL CONSULTATIONS ON THE MORNING OF 9 APRIL OTUNNU (UGANDA) INTRODUCED A DRAFT RESOLUTION ON BEHALF OF THE AFRICAN GROUP. HE SAID THAT THE AFRICAN GROUP WANTED SWIFT, NARROWLY FOCUSED HUMANITARIAN ACTION BY THE SECURITY COUNCIL; THE DRAFT CONTAINED NO POLITICAL OR CONTROVERSIAL ELEMENTS. AS THERE HAD ALREADY BEEN A PRESIDENTIAL STATEMENT ON THIS CASE IN FEBRUARY 1981, A RESOLUTION WOULD HAVE A GREATER IMPACT NOW THAT THE JUDICIAL PROCESSES IN SOUTH AFRICA HAD COME TO AN END.

3. ALL DELEGATIONS EXCEPT THE US EXPRESSED BROAD SUPPORT FOR

... AND FOR HAVING A RESOLUTION.

CONTAINED NO POLITICAL OR CONTROVERSIAL ELEMENTS. AS THERE HAD ALREADY BEEN A PRESIDENTIAL STATEMENT ON THIS CASE IN FEBRUARY 1981, A RESOLUTION WOULD HAVE A GREATER IMPACT NOW THAT THE JUDICIAL PROCESSES IN SOUTH AFRICA HAD COME TO AN END.

3. ALL DELEGATIONS EXCEPT THE US EXPRESSED BROAD SUPPORT FOR THE AFRICAN GROUP'S OBJECTIVE, AND FOR HAVING A RESOLUTION. HOWEVER, IT WAS AGREED THAT CERTAIN ELEMENTS IN THE DRAFT SHOULD BE DROPPED IN ORDER TO SECURE RAPID ACCEPTANCE BY THE COUNCIL, AND TO AVOID DAMAGING THE RESOLUTION'S CHANCE OF INFLUENCING THE SOUTH AFRICANS. THE CHANGES INCLUDED THE DELETION OF A CALL FOR THE RELEASE OF THE THREE ANC MEMBERS, AND OF A REFERENCE TO THEM AS "PATRIOTS".

4. THE PRESIDENT (KAMANDA, ZAIRE) THEN PROPOSED AN IMMEDIATE FORMAL MEETING TO ADOPT THE AMENDED DRAFT. THE US INSISTED (TO THE EXPRESS ANNOYANCE OF SEVERAL DELEGATIONS) ON A THREE HOUR SUSPENSION TO OBTAIN INSTRUCTIONS. FOLLOWING THE SUSPENSION, THEY SUBMITTED AN AMENDED FORM OF OPERATIVE PARA 2 INCLUDING A REFERENCE TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. THIS WAS OPPOSED BY THE SOVIET UNION AND AFTER FURTHER NEGOTIATION, THE FINAL TEXT EVOLVED.

5. DURING THE FORMAL PROCEEDINGS, ONLY UGANDA (BRIEFLY INTRODUCING THE RESOLUTION) SPOKE BEFORE THE VOTE. KAMANDA (ZAIRE) SPOKE BRIEFLY AFTER THE VOTE AND WAS ABOUT TO CLOSE THE MEETING WHEN LICHENSTEIN (USA) ASKED FOR THE FLOOR. HE SAID THAT THE US WAS CONTINUOUSLY CONCERNED WITH HUMAN RIGHTS IN SOUTH AFRICA, AS THROUGHOUT THE WORLD. FOUR PRISONERS OF CONSCIENCE NOW ON HUNGER STRIKE IN MOSCOW; THE PEOPLES OF POLAND, AFGHANISTAN AND CAMBODIA HAD BEEN DEPRIVED OF THEIR HUMAN RIGHTS. IT WAS THE US UNDERSTANDING THAT THE "OTHER RELEVANT INTERNATIONAL INSTRUMENTS" TO WHICH THE RESOLUTION REFERRED INCLUDED THE UNIVERSAL DECLARATION OF HUMAN RIGHTS.

6. THIS PROVOKED A RIPOSTE FROM OVINNIKOV (USSR), WHO CLAIMED THAT IN FEBRUARY 1981 THE US HAD ASKED THE SECURITY COUNCIL TO ACKNOWLEDGE THE JURIDICAL SYSTEM OF APARTHEID. OVINNIKOV DENOUNCED THE AMERICAN ATTEMPT TO SET THE PRESENT RESOLUTION IN THE CONTEXT OF HUMAN RIGHTS RATHER THAN OF THE LEGITIMATE STRUGGLE AGAINST APARTHEID; THE US WAS GROWING PROGRESSIVELY CLOSER TO THE APARTHEID REGIME. AFTER A FURTHER BRIEF INTERJECTION OF LICHENSTEIN, WYZNER (POLAND) REJECTED AS UNFOUNDED THE US REFERENCE TO THE SITUATION IN HIS COUNTRY.

FCO PASS SAVING MOSCOW.

WHYTE

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