

NIO/LA  
29 October 1984

NSC Talking Points

SUBJECT: Comments on State's Draft NSC Paper

1. A copy of State's initial draft paper for the 30 October NSC meeting is attached (A). Following are brief comments on the major sections:

- a. US-Nicaragua Bilateral Talks. State takes the position that Honduras is no longer concerned that the talks have undercut the Contadora process, but now believes the talks strengthen the Core Four position. I fail to see how State can justify this analysis, and in fact they provide no substantiation. My own view is that the bilateral talks are going nowhere, and that there is little use in continuing them after 4 November when the Sandinista elections are over. State probably will argue, however, that the talks are useful until a Contadora Treaty is concluded.
- b. Core Four Position on the Treaty. The new Core Four draft Treaty eliminates many of the earlier problems in the earlier draft, but weaknesses remain in the areas of arms limitations and verification. There also is a continuing problem about a draft protocol calling for "guarantor" states. The Core Four draft is vague on this, although Costa Rica claims the guarantor states will only be the Contadora countries. (See Attachment B)
- c. Proposed US Efforts to Obtain Guatemalan Cooperation. State admits that the problem of Guatemalan cooperation with the other Core Four states is continuing, and that Mexico has had a key influence on the Guatemalan position. I am not optimistic that Guatemala can be brought in line.
- d. Mexican and Nicaraguan Activity in the UN. State again admits that Mexico has been singularly unhelpful on the Contadora Treaty despite Secretary Shultz's personal demarche. State does not address the question of where we go from here with Mexico.

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State Dept. review completed

e. US Plans to Sign the Treaty. State claims the US is on record in opposition to signing the Contadora Treaty Protocol. I don't believe the record is all that clear, and wonder what position State will take if the Protocol remains open to non-Latin American states despite US efforts to the contrary. The Costa Rican Foreign Minister had admitted that attempts to require a narrow protocol would provoke "strong criticism of the US" and "adverse international reaction."

2. The bottom line that needs to be addressed is are the various Central American negotiations in our interest or are they, in fact, aiding our adversaries? If the bilateral talks with Nicaragua serve only to help the Contadora process, is this in fact working? I would venture to say, no. And if the Contadora process is likely to result in a treaty that only serves to "legitimize" the Sandinista regime, we should be planning now how to kill the treaty, not how to try and fix it. Perhaps our best hope is that Nicaragua will refuse to accept any major modifications of the 7 September draft, and thus the process will never get anywhere. We have been fooled by this before, however.

-- Another valid tactic would be to focus on the non-democratic nature of the Nicaraguan elections, and how they do not meet the Contadora standards. We can even try to get El Salvador and perhaps even Venezuela to refuse to endorse the Sandinista regime by letting them sign the Contadora Treaty.

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ATTACHMENT

A

NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

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October 27, 1984

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MEMORANDUM FOR MR. DONALD P. GREGG  
Assistant to the Vice President  
for National Security Affairs

MR. CHARLES HILL  
Executive Secretary  
Department of State

COL R. J. AFFOURTIT  
Executive Secretary  
Department of Defense

Executive Secretary  
Central Intelligence Agency

BG GEORGE JOULWAN  
Executive Assistant to the Chairman  
Joint Chiefs of Staff

MR. ALTON KEEL  
Associate Director for National Security  
and International Affairs  
Office of Management and Budget

AMBASSADOR HARVEY FELDMAN  
Washington Representative to the United States  
Representative to the United Nations  
Department of State

MR. C. WILLIAM LaSALLE  
Chief of the Executive Secretariat  
U.S. Information Agency

SUBJECT: NSC Meeting on Central America (S)

Attached is a State-prepared background paper for the subject meeting, which is now scheduled for 3:30 - 4:15 p.m. on Tuesday, October 30, 1984, in the Cabinet Room. (U)

*Robert M. Kimmitt*  
Robert M. Kimmitt  
Executive Secretary

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Declassify on: OADR

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Washington, D.C. 20520

October 26, 1984

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MEMORANDUM FOR MR. ROBERT C. MCPARLANE  
THE WHITE HOUSE

SUBJECT: NSC Meeting on Central America,  
October 30, 1984

Attached is a background paper for use at the NSC Meeting  
on October 30, 1984 as requested in your memorandum of October  
24, 1984.

*Charles Hill*  
Charles Hill  
Executive Secretary

Attachment:

As Stated

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DECL: OADR

**A. Plans to provide the facts to the US public**

- S/LPD has prepared a report, "Resource Book: The Sandinista Elections in Nicaragua," which documents the undemocratic nature of the election. Advance copies are already being distributed to select journalists, and on October 29 it will be released formally. Copies will be transmitted to selected members of Congress who are likely to comment on the Nicaragua elections (Senate Foreign Relations Committee, House Foreign Affairs Committee, etc.), and sent to our general mailing list of government officials and influential opinion leaders around the country.
- S/LPD is preparing a compilation of statements on the elections by Sandinistas themselves, key political and church leaders in Nicaragua, and notable foreign leaders. This paper, translations of Bayardo Arce's speech to the Nicaraguan Socialist Party, and the FSLN's propaganda plan for the elections will be distributed to selected members of Congress, journalists and opinion makers.
- ARA is preparing a report comparing the Nicaraguan elections with those in El Salvador for release to the press and selected members of Congress.
- Administration officials will give background briefings and interviews to selected members of the press and seek opportunities to appear on the media to discuss the elections.
- S/LPD is preparing Public Diplomacy guidance on the elections for use throughout the government.
- We shall encourage non-USG experts to make public statements, prepare articles, and appear on media programs, especially immediately prior to and following the November 4, elections, e.g., the morning TV shows on November 5.
- Following the elections, S/LPD will prepare a follow-up report on the elections analyzing how the process unfolded, the meaning of the results, and the prospects for pluralism in Nicaragua's future.

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DECL: OADR

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**SUBJECT: Background Paper for NSC Meeting on Central America  
October 30, 1984**

The situation in Central America, particularly in El Salvador and in the regional peace talks, is moving in a direction favorable to U.S. interests, although difficult problems remain. In Nicaragua, the picture is mixed. Congressional failure to fund the armed opposition is a serious loss, but our handling of the Nicaragua election issue and Sandinista mistakes have shifted opinion against the sham elections. We have trumped the latest Nicaraguan/Mexican efforts to rush signature of an unsatisfactory Contadora agreement and the initiative is now with the Core Four, although the situation remains fluid and requires careful management.

This paper provides a summary assessment of issues raised in the NSC memorandum of October 24, 1985.

CENTRAL AMERICAN NEGOTIATIONS

(1) U.S.-Nicaragua bilateral talks. Ambassador Shlaudeman has held six meetings with Vice Foreign Minister Tinoco. The seventh round is set for October 29-30. We tabled a comprehensive statement at the most recent meeting on September 25. Nicaragua's adoption of the September 7 Act as its negotiating position at Manzanillo has virtually eliminated earlier Honduran concern that the Manzanillo talks might "undercut Contadora." To the contrary, it has led them to see that our bilateral talks strengthen the Core Four position within Contadora. Pursuant to Presidential decision, a key U.S. objective remains to help reinvigorate Core Four efforts in the Contadora process and to obtain a Contadora treaty which simultaneously implements the Contadora 21 Objectives and provides for effective verification. Reports and key documents on these talks since the NSPG meeting of June 25, 1984, include:

- Memorandum for Mr. McParlane from Mr. Hill September 28, 1984
- Calender of Reciprocal Steps, September 6, 1984
- Memorandum for Mr. Hill from Mr. Kimmitt, August 31, 1984

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DECL: OADR

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- Memorandum to the President from Acting Secretary Dan, August 21, 1984
- Memorandum from Ambassador Shlaudeman to the Secretary, August 2, 1984
- Memorandum from the President, July 28, 1984
- Memorandum from the Secretary to the President, June 26, 1984

(2) Core Four Position on the Draft Contadora Treaty. We have effectively blocked Contadora Group efforts to impose the second draft of a Revised Contadora Act. Following intensive U.S. consultations with El Salvador, Honduras and Costa Rica, the Central American submitted a counterdraft to the Contadora states on October 20, 1984. It reflects many of our concerns and shifts the focus within Contadora to a document broadly consistent with U.S. interests. A copy of the new draft is being sent to each NSC agency, with English translation expected by the October 30 meeting. We will continue to seek Core Four support for these concerns expressed by us but not incorporated in the revised Core Four drafts. A survey of proposed Core Four changes is contained in Tegucigalpa 13080 and San Jose 8392.

The four Contadora Group Vice Ministers will meet in Panama October 31-November 1 for technical review of the Core Four drafts and revision of their own. Contadora Group Foreign Ministers would then meet November 9-10 to review recommendations of the Vice Ministers and all nine foreign ministers would meet in Brasilia at the time of the OAS General Assembly November 17. Contadora spokesmen have become notably subdued recently on prospects for an early signing. While some now concede that agreement may not be reached for some months, others remains concerned that early signature is desirable.

Secretary Shultz will discuss next steps in this process at the NSC meeting.

(3) Proposed U.S. Efforts to Obtain Guatemalan Cooperation in Contadora Process. The uncertain support of Guatemala for the Core Four is a continuing problem. Guatemala's chief security concern is its guerrilla insurgency and the sanctuary that it has, until recently, enjoyed in Mexico. Mexico's removal of the border refugee camps and the need for future cooperation provide a strong incentive pulling Guatemala toward Mexico in Contadora. We have undertaken intensive efforts with Foreign Minister Andrade and Guatemalan Chief of State Mejia on this issue. Illustrative of these efforts were the Secretary's October 10 meeting in Panama with General Mejia (Secto 12025), the Secretary's meeting with Andrade and other Core Four

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foreign ministers in New York on October 5 (State 298926) and President Duarte's efforts with General Mejia (San Salvador 11393 and Guatemala 10043). Serious personality problems between Honduran Foreign Minister Paz Barnica and Andrade continue to hamper efforts to keep the Core Four together. We will continue to exert strong pressure on Guatemala to support the basic Core Four position.

(4) Mexican and Nicaraguan Activity at the UN, OAS et al. Mexican and Nicaraguan representatives have been highly active but so far unsuccessful in efforts to obtain international endorsement for the September 7 Contadora draft. The Secretary was direct in expressing our displeasure at Mexican conduct at the UNGA (State 302056). Reports and actions relating to recent Nicaraguan/Mexican activity at the United Nations are contained in USUN 2845, 2763, 2884, and State 315605, 315894, 317226, 317605 and 317809. A summary report of the EC-Contadora Foreign Ministers conference is contained in San Jose 7644.

(5) U.S. Efforts to Help the Core Four. Covered under item (2) above. The following cables describe several aspects of recent U.S. efforts to help the Core Four countries secure acceptance of an acceptable draft: San Salvador 12140, Tegucigalpa 12799 and San Jose 8244.

(6) Any Plans for U.S. Signature of Documents. This requirement is unclear but presumably refers to the unauthorized backgrounding in Washington during the Secretary's last trip to the region that an agreement would be signed with Nicaragua in Mexico. That backgrounding was erroneous and unhelpful to U.S. interests. The Administration is on record in opposition to signing a Protocol, both in principal and specifically in the case of Contadora. We have attempted to prevent adoption of a Protocol that would be open to Cuban, Soviet or other unwelcome signatories. However, this continues to be an important concern.

(7) U.S. Expectations of Future Events and Strategy to Obtain an Acceptable Treaty. Secretary Shultz will address this question in his presentation to the NSC meeting.

PUBLIC DIPLOMACY ABOUT THE NOVEMBER 4, 1984 ELECTION IN NICARAGUA

We have succeeded in returning the public and private, diplomatic focus back on the Nicaraguan elections as the key stumbling block to prospects for national reconciliation and peace in the region. The breakdown of the Cruz negotiations in Rio, corroboration by SI members that Arce backed away from the PSLN position once it became apparent that Cruz was prepared to seek approval of the Arce proposal, and the public acceptance

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by the Coordinadora of the Arce proposal have all contributed to this turn of events, as has Duarte's La Palma initiative. The PLI withdrawal from the elections has now left the Sandinistas holding a near worthless hand. An election held on November 4 will not give them the legitimacy they covet, although it will further consolidate Sandinista control over Nicaragua. Efforts continue to press the Sandinistas to postpone the elections and agree to Coordinadora demands.

Our public diplomacy strategy, approved by the NSC, is contained in Mr. Kimmitt's memorandum to Mr. Hill, dated October 24, 1984. A follow-up memorandum on the Nicaragua elections is attached.

Attachment: As stated.

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**B. Plans to Provide the Facts to the International Community**

- In selected OECD and ARA posts we will approach significant and knowledgeable national leaders, in and out of government, to encourage public statements condemning the Nicaraguan elections as they are now set up. Useful statements could come from government officials, political party leaders (including international parties, such as SI, EDU), intellectuals, church, and labor leaders.
- We will encourage selected U.S. political figures to contact their counterparts in Europe and Latin America asking that they (the counterparts) make public statements criticizing Nicaraguan elections.
- U.S. labor will contact counterpart organizations in Europe and Latin America seeking statements criticizing elections in Nicaragua as now set up.
- We will encourage sympathetic American intellectuals and academics to contact their counterparts in Europe and Latin America to examine the validity of the elections in Nicaragua, or to get their counterparts to let Nicaraguan leadership know (preferably through public statements or letters) that they are skeptical of the elections as now set up, that they have serious doubts about the elections now that the Coordinadora and PLI have withdrawn, and that they will be watching the elections closely both before and after November 4.
- We will follow up with the Vatican the recent statement condemning persecution of the Church in Nicaragua.
- Selected embassies in OECD and ARA countries will be asked to approach key contacts to review our views on the elections in Nicaragua. Media contacts should be encouraged to write editorials questioning the validity of the elections.
- Embassy Bonn will approach Willy Brandt to determine if he plans to make any public statements on the Nicaraguan elections now that the PLI has withdrawn from the campaign.
- USIA will send a fact sheet on Nicaraguan elections via the Wireless File to Europe and Latin America.
- VOA and Wireless File commentary will be sent using statements questioning the validity of the Nicaraguan elections made by European and Latin American leaders.
- VOA and Wireless File commentary will carry S/LPD - prepared backgrounder on Sandinista elections.

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-- Wireless File will distribute Comandante Bayardo Arce's speech to the policy committee of the Partido Socialista de Nicaragua and other relevant material prepared by S/LPD.

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ACTION: NONE INFO: ALA/CR-2, ALA/ES-2, ALA/G-2, ALA/HO-2,  
ALA/MC/E1, ALA/MC/PME, ALA/N-2, ALA/P-2, ALA/PO/LA, CRW, DDPN-N, DDPS-S,  
OPCTR/EALA, RF, SOV/CS/S/M, SOV/CS/Y, SOV/PA/S, FILE, LA/CATF-3,  
ICS/MC/LA, NCECF, NCPN, NID/ECON, NID/LA, DIA/TWALA, QA/STATE. (11/W)

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*Full  
Contadora*

EXDIS PANAMA FOR AMBASSADOR SHLAUDEMA'

E.O. 12356 DECL: OADR  
TAGS: PREL, XK  
SUBJECT: CONTADORA: REACTIONS TO OCTOBER 19-20 ACTA  
REVISIONS

REF: TEGUCIGALPA 13080 (DTG 230140Z OCT 84)

1. SECRET - ENTIRE TEXT.

2. EMBASSY TEGUCIGALPA IS REQUESTED TO CONVEY  
DEPARTMENT'S PRELIMINARY REACTIONS TO MODIFICATIONS IN  
ACTA TEXT REPORTED REFTEL. REACTIONS SHOULD BE  
COMMUNICATED IN TIME TO PERMIT THEIR CONSIDERATION BY  
HONDURAS BEFORE IT PROVIDES FINAL "COLLATED" REVISION OF  
ACTA TO CONTADORA AMBASSADORS. EMBASSY SHOULD DRAW ON  
FOLLOWING TALKING POINTS.

3. BEGIN TALKING POINTS.

-- USG GREATLY APPRECIATES YOUR READINESS TO SHARE THE  
RESULTS OF YOUR OCTOBER 19-20 MEETING WITH US. WE HOPE  
YOU AND OTHER DRAFTERS WILL SIMILARLY BE WILLING TO  
DISCUSS WITH US THE ANNEXES AND "ALTERNATIVE" PROTOCOL

WHICH ARE STILL BEING PREPARED AND THE FINAL PRODUCT OF  
YOUR DRAFTING EFFORTS BEFORE THEY ARE PASSED TO THE  
CONTADORA COUNTRIES.

-- WE ARE VERY FAVORABLY IMPRESSED WITH WHAT YOU HAVE  
DONE AND THAT YOU DECIDED TO PUT FORWARD A FULLY REVISED  
DRAFT. WHILE THE FULL TEXT IS OBVIOUSLY NOT AVAILABLE TO  
US, ON THE BASIS OF YOUR DESCRIPTION WE HAD SEVERAL  
REACTIONS:

-- PERHAPS MOST IMPORTANT, WE URGE THAT YOU MAKE  
UNMISTAKABLY CLEAR TO NICARAGUA AND THE CONTADORA  
COUNTRIES AND OTHERS THAT IT IS ESSENTIAL THAT THE 90  
DAYS OF NEGOTIATIONS ON ARMS AND TROOP CEILINGS BE  
COMPLETED SUCCESSFULLY AND ON TIME. IN LIGHT OF THE RISK  
THAT DEMOCRATIC GOVERNMENTS WILL BE EXPECTED TO FULLY  
IMPLEMENT THE ACTA ON SIGNATURE, WE BELIEVE IT IS CRUCIAL  
THAT IT BE PERFECTLY UNDERSTOOD FROM THE BEGINNING THAT  
ACCEPTANCE OF THE ACTA OBLIGATIONS WILL ONLY TAKE PLACE  
WHEN RATIFICATION HAS OCCURRED. YOU SHOULD ALSO MAKE

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 CLEAR ON THE PUBLIC RECORD THAT YOU DO NOT INTEND TO BE  
 PRESSURED INTO ACCEPTING ANY NICARAGUAN PROPOSAL THAT IS  
 NOT BALANCED.

-- WE ARE CONCERNED THAT REQUIRING THAT THE AD HOC  
 VERIFICATION GROUP CONDUCT TECHNICAL STUDIES ON CEILINGS  
 MAY PROVIDE A CONVENIENT SCAPEGOAT WHICH CAN BE BLAMED  
 FOR CONTADORA'S FAILURE IF, AS SEEMS LIKELY, THE NINE  
 MEMBERS OF THAT GROUP ARE UNABLE TO REACH CONSENSUS ON  
 THOSE STUDIES. COMPLETION OF SUCH STUDIES SHOULD NOT BE  
 A PREREQUISITE TO COMPLETION OF THE NEGOTIATIONS.

-- WE WERE SURPRISED THAT THE 60-DAY FREEZE REMAINED IN  
 YOUR REVISED DRAFT, PARTICULARLY SINCE FROM OUR REPORTS  
 IT APPEARS THAT THERE IS NO PROVISION FOR VERIFICATION OF  
 THE INVENTORIES. IF YOU FEEL THIS MUST REMAIN, WE URGE  
 THAT YOU UNDERSCORE TO NICARAGUA AND THE CONTADORA  
 COUNTRIES THAT YOU DO NOT INTEND TO CONTINUE WITH THE  
 FREEZE BEYOND 60 DAYS. WE URGE THAT ANY FREEZE BE  
 LIMITED TO THE WEAPONS TO BE SUBJECT TO CEILINGS AND THAT  
 INVENTORY ITEMS MAY BE SUBJECT TO CHALLENGE IF NO  
 VERIFICATION IS ENVISIONED.

-- THE DISPUTE RESOLUTION PROVISIONS SOUND AS IF THE  
 POTENTIAL FOR DELAYS AND LENGTHY APPEALS REMAINS -- WITH  
 THE RESULT THAT AGGRIEVED PARTIES (AS WELL AS THEIR  
 FRIENDS OUTSIDE THE REGION) WILL FACE CONSTRAINTS IN  
 TAKING PROMPT AND NECESSARY ACTION TO VINDICATE THEIR  
 RIGHTS AND RESPOND TO VIOLATIONS. HAVE YOU INCLUDED A

SPECIFIC RESERVATION OF YOUR RIGHT TO TAKE NECESSARY AND  
 PROPORTIONATE ACTION, CONSISTENT WITH INTERNATIONAL LAW,  
 AT ANY TIME?

-- WE CONTINUE TO HAVE DOUBTS ABOUT LIMITING THE  
 TECHNICAL GROUP PERSONNEL TO THOSE OF THE FOUR NON-PARTY  
 MEMBERS OF THE SECURITY AND VERIFICATION COMMISSION.  
 THOSE PARTIES WILL HAVE INDEPENDENT POLITICAL INTERESTS  
 WHICH MAY CONTRADICT THE GOAL OF NEUTRAL VERIFICATION.  
 MOREOVER, IT UNNECESSARILY LIMITS THE POOL OF EXPERTISE  
 FROM WHICH THE VERIFYING BODY CAN DRAW. FINALLY, WE FEAR  
 SOME COUNTRIES MAY BE PREPARED TO PLAY ONLY ONE OF THE  
 TWO ROLES AT A TIME.

-- WHILE WE BELIEVE "CONSENSUS" MAY BE MARGINALLY BETTER  
 FOR COMMISSION DECISIONS THAN "UNANIMITY," FAR MORE  
 WORKABLE WOULD BE A PROVISION FOR "MAJORITY" VOTES.

-- FROM OUR REPORTS, IT APPEARS THAT THE TECHNICAL GROUP  
 CAN RECEIVE ONLY "EQUIPMENT" -- BUT NOT FUNDS AND OTHER  
 SUPPORT -- FROM OTHER COUNTRIES. IF THIS IS THE CASE WE  
 WOULD STRONGLY URGE THAT PROVISION BE MADE FOR RECEIVING  
 AT LEAST FINANCIAL CONTRIBUTIONS FROM OTHER SOURCES.

-- WE ARE PLEASED THAT YOU HAVE DRAWN A SHARP LINE  
 BETWEEN THE COMMISSION AND THE TECHNICAL VERIFICATION  
 GROUP. HOWEVER, IT APPEARS THAT THE TECHNICAL GROUP WILL  
 BE ASKED TO REPORT ON "APPARENT VIOLATIONS" -- WHICH IS A  
 POLITICIZED, ADJUDICATORY FUNCTION WE CONSIDER BOTH  
 UNWISE AND UNNECESSARY FOR THE VERIFIERS TO PERFORM.  
 WOULD IT NOT BE BETTER TO HAVE THEM REPORT ONLY ON "FACTS  
 AND SITUATIONS WHICH MAY BEAR ON COMPLIANCE WITH THE  
 ACTA?"

-- WE ASSUME THAT THE ANNEXES WILL CONTAIN EXTENSIVE  
 PROVISIONS RELATING TO THE POWERS, RIGHTS, PRIVILEGES AND  
 IMMUNITIES OF THE SECURITY AND POLITICAL VERIFICATION  
 GROUPS. THESE ARE ESSENTIAL TO VERIFICATION AND WE  
 SUGGEST THAT THEY BE STATED IN GENERAL TERMS IN THE BODY

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 OF THE ACTA ITSELF TO UNDERSCORE THEIR IMPORTANCE.  
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-- IS IT YOUR INTENTION TO FORMALLY SUGGEST THE NAMES OF THE COUNTRIES AND INDIVIDUALS TO PARTICIPATE ON THE AD HOC AND PERMANENT COMMISSIONS TO BE ESTABLISHED IN THE ACTA PRIOR TO SIGNATURE? WE BELIEVE SO DOING WOULD BE USEFUL IN ADDING CREDIBILITY AND CONCRETENESS TO THE NEGOTIATIONS PRIOR TO SIGNATURE. AND IF THE NAMES WERE WELL CHOSEN WOULD ASSIST IN ENSURING THAT THE FINAL RESULT IS ACCEPTABLE.

-- IT IS CLEAR TO US THAT A PRINCIPAL PURPOSE OF THE PROHIBITION ON FOREIGN BASES AND SCHOOLS IN THE SEPT. 7 DRAFT ACTA WAS TO ENSURE THE ELIMINATION OF THE U.S. PRESENCE AT PALMEROLA AND THE RMTC. IN THIS LIGHT, WE WOULD BE RELUCTANT TO RELY ON A CONTROVERSIAL READING OF THE DEFINITION OF "FOREIGN BASE" TO AUTHORIZE A CONTINUED U.S. PRESENCE. IF THE CURRENT DEFINITION IS NONETHELESS RETAINED, WE URGE THAT HONDURAS STATE ITS UNDERSTANDING ON THIS POINT IN VERY CLEAR TERMS AT OR BEFORE THE TIME OF SIGNING.

-- IT WAS NOT CLEAR FROM OUR REPORTS THAT THE DISTINCTION IN THE SEPTEMBER 7 DRAFT BETWEEN CLASSES OF ADVISERS HAS BEEN REMOVED IN THE OCTOBER 20 REVISED TEXT, OR THAT APPROPRIATE PROVISIONS HAVE BEEN MADE FOR PORT VISITS, OVERFLIGHTS AND OTHER KINDS OF ROUTINE ACCESS.

-- FINALLY, WE ARE PLEASED THAT YOU SHARED OUR PREFERENCE THAT THE ADDITIONAL PROTOCOL BE DELETED. WE ARE SOMEWHAT UNCERTAIN THAT THE TERM "GUARANTORS" IMPLIES THAT THE COUNTRIES INVOLVED WILL HAVE A FUNCTION IN THE ACTA STRUCTURE -- EITHER IN INTERPRETING, IN APPLICATION, OR IN DISPUTE RESOLUTION. WE FEAR THAT, EVEN IF SUCH A ROLE IS DESIRED, IT WILL ADD YET FURTHER TO THE DELAYS AND CONSTRAINTS WE SEE IN THE OTHER DISPUTE RESOLUTION PROCEDURES CONTAINED IN THE ACTA. WE WOULD HOPE TO CONSULT VERY CLOSELY ON THE DEVELOPMENT OF THIS PROPOSAL, AND WILL BE CONTACTING THE COSTA RICANS TO THAT END. END TALKING POINTS.

4. FOR SAN JOSE, EMBASSY REQUESTED TO CONTACT VICE MINISTER ANTILLON TO DETERMINE STATE OF PLAY ON "GUARANTORS" IDEA DISCUSSED PARA 23 REFTEL. NOTE CONCERNS STATED IN FINAL TALKING POINT AND ASK THAT WE HAVE AN OPPORTUNITY TO CONSULT WITH GOCR ON THIS MATTER BEFORE ANY DOCUMENT IS PROVIDED TO THE CONTADORA COUNTRIES. SHULTZ

END OF MESSAGE

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ACTION: NONE INFO: ALA/CR-2, ALA/ES-2, ALA/G-2, ALA/HD-2,  
ALA/MC/D, ALA/MC/E1, ALA/MC/EP, ALA/MC/PME, ALA/MC/RAE, ALA/N-2, ALA/P-2,  
ALA/PO/LA, CRW, ODPN-N, ODPN-S, ODPW-W, ODE/WE, DPCTR/EALA, RF,  
SOV/CS/S/M, SOV/CS/Y, SOV/PA/S, FILE, LA/CATF-3, D/FBIS-2, EPO/LA,  
EPS/IG, ICS/MC/LA, NCPM, NID/LA, DIA/TWALA, QA/STATE, STD/PPC, (14/W)

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 7956  
INFO RUEHGT/AMEMBASSY GUATEMALA IMMEDIATE 0580  
RUEHZP/AMEMBASSY PANAMA IMMEDIATE 2176  
RUEHSN/AMEMBASSY SAN SALVADOR IMMEDIATE 9580  
RUEHTG/AMEMBASSY TEGUCIGALPA IMMEDIATE 8857  
BT  
SECRET SAN JOSE 08392

*Feli  
Contadora*

EXDIS

PANAMA FOR AMBASSADOR SHLAUDEMAN

E.O. 12356: DECL: OADR  
TAGS: PREL, MK, CS  
SUBJ: CONTADORA: COSTA RICAN DRAFT OF REVISED PROTOCOL

REF: STATE 315249

1. (S-ENTIRE TEXT)
2. SUMMARY: FOREIGN MINISTER SHARED COSTA RICAN DRAFT OF REVISED PROTOCOL WITH EMBASSY. INITIAL DRAFT, WHICH WILL NOW BE CONSULTED WITH OTHER CORE FOUR, PROVIDES FOR CONTADORA FOUR COUNTRIES SERVING AS "GUARANTORS" OF FINAL CONTADORA AGREEMENT. APPEARS COSTA RICANS HAVE CUT PROTOCOL BACK TO WHAT THEY VIEW AS MINIMUM POLITICALLY ACCEPTABLE DOCUMENT. MINISTER DOES NOT EXPECT ACTA TO BE READY FOR SIGNATURE UNTIL LATE NOVEMBER. END SUMMARY.
3. THIS MORNING (OCTOBER 24) AMBASSADOR ACCOMPANIED BY POLOFF DISCUSSED WITH FOREIGN MINISTER CARLOS JOSE GUTIERREZ REVISION BY CORE FOUR OF PROTOCOL FOR CONTADORA ACTA. GUTIERREZ CONFIRMED THAT COSTA RICA HAD UNDERTAKEN TO DRAFT NEW PROTOCOL WHICH WOULD PROVIDE FOR "GUARANTORS" OF THE FINAL TREATY. AS AMBASSADOR PROBED ON HOW EXACTLY THIS FUNCTION WOULD BE DEFINED, MINISTER OFFERED US COPY OF THE INITIAL DRAFT WHICH HE HAD JUST RECEIVED AND WOULD BE TRANSMITTED TO OTHER CORE FOUR GOVERNMENTS LATER THAT DAY (TEXT PROVIDED BELOW). GUTIERREZ NOTED THAT IN DRAFTING THIS DOCUMENT, FORMIN DIRECTOR GENERAL ALVAR ANTILLON HAD DRAWN ON THE CHACO AGREEMENT AND THE ECUADOR/PERU BORDER AGREEMENT.
4. GUTIERREZ DEFUSED SOME OF OUR OTHER CONCERNS WHEN HE CLARIFIED THAT COSTA RICAN REVISED DRAFT LIMITS PARTICIPATION OF GUARANTORS TO THE CONTADORA FOUR COUNTRIES ONLY. VENEZUELA, COLOMBIA, PANAMA AND MEXICO WOULD BE ONLY GOVERNMENTS INVITED TO SIGN THIS "PROTOCOL." THE MINISTER EMPHASIZED THAT DRAFT HE WAS SHARING WITH US WAS FIRST CUT AT THE IDEA, AND WOULD BE SUBJECT OF FURTHER CONSULTATION WITH CORE

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FOUR. HE WAS UNCLEAR WHEN THIS PROCESS WOULD BE COMPLETED AND FINAL AGREED TEXT CONVEYED TO CONTADORA FOUR AS PROMISED IN NOTE COVERING CORE FOUR'S REVISED ACTA. GUTIERREZ SAID THAT IN ANY EVENT SIGNING OF FINAL ACTA WAS UNLIKELY BEFORE END OF NOVEMBER.

5. GUTIERREZ WAS SOMEWHAT CONCERNED THAT PULLING BACK FROM THE ORIGINAL CONCEPT OF A BROADER PROTOCOL WOULD PROVOKE ADVERSE INTERNATIONAL REACTION. HE NOTED THAT THIS COULD COALESCE INTO STRONG CRITICISM OF U.S. MINISTER RECALLED THAT AT EC CONFERENCE IN SAN JOSE, MANY EUROPEAN FOREIGN MINISTERS HAD VOLUNTEERED THEIR GOVERNMENTS' WILLINGNESS TO SIGN THE CONTADORA PROTOCOL AS IT STANDS IN THE ACTA.

6. FOLLOWING IS INFORMAL TRANSLATION OF THE DRAFT:

BEGIN TEXT

-- ADDITIONAL PROTOCOL TO THE ACT OF CONTADORA  
-- FOR PEACE AND COOPERATION IN CENTRAL AMERICA

THE UNDERSIGNED PLENIPOTENCIARIES, PROVIDED WITH FULL POWERS BY THEIR RESPECTIVE GOVERNMENTS:

CONVINCED THAT IT IS NECESSARY TO GUARANTEE THE FULL OPERATION, EFFECTIVENESS AND VIABILITY OF THE ACT OF CONTADORA FOR PEACE AND COOPERATION IN CENTRAL AMERICA ADOPTED BY THE STATES OF SAID REGION, AS WELL AS TO LEND THE CENTRAL AMERICAN STATES THE MOST EFFICIENT COLLABORATION BY THE SIGNATORY STATES OF THE PRESENT PROTOCOL IN GUARANTEEING PEACE IN THE REGION,

HAVE AGREED TO THE FOLLOWING:

1. TO COOPERATE WITH THE CENTRAL AMERICAN STATES IN THE DEGREE TO WHICH SAID STATES, IN COMMON AGREEMENT, REQUEST (SUCH COOPERATION) FOR THE ATTAINMENT OF THE OBJECTIVES AND ENDS OF THE ACT.
2. TO LEND THEIR FULL SUPPORT AND COLLABORATION TO THE COMMISSION OF VERIFICATION AND CONTROL IN THE AREA OF SECURITY IN CARRYING OUT ITS FUNCTION WHEN SO REQUIRED

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PANAMA FOR AMBASSADOR SHLAUDEMAN

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BY THE PARTIES.

3. THE ACT SHALL BE UNDER THE GUARANTEE OF THE STATES SIGNING THE PRESENT PROTOCOL, AND IN THE EVENT OF DOUBT OR DISAGREEMENT CONCERNING THE EXECUTION OF THE ACT, THEY SHALL LEND FULL COLLABORATION EMPLOYING ALL THE USUAL PACIFIC MEASURES OF INTERNATIONAL LAW, SUCH AS DIPLOMATIC PERSUASION, CONCILIATION, GOOD OFFICES AND MEDIATION, IN THE SHORTEST PERIOD OF TIME POSSIBLE.

4. WHEN NECESSARY, THE DETAILS RELATIVE TO ARTICLES 1 AND 2 OF THE PRESENT PROTOCOL SHALL BE PRECISELY STATED BY DIPLOMATIC NOTE.

5. THIS PROTOCOL WILL ENTER INTO FORCE FOR EACH SIGNATORY STATE ON THE DATE SIGNED BY EACH ONE OF THEM.

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6. THIS PROTOCOL WILL BE DEPOSITED WITH THE GOVERNMENTS OF THE STATES WHICH COMPOSE THE CONTADORA GROUP.

7. THIS PROTOCOL DOES NOT PERMIT RESERVATIONS.

8. THIS PROTOCOL WILL BE REGISTERED WITH THE SECRETARY GENERAL OF THE UNITED NATIONS IN CONFORMITY WITH ARTICLE 102 OF THE CHARTER OF THAT ORGANIZATION.

DONE IN THE SPANISH LANGUAGE IN FOUR ORIGINAL COPIES IN THE CITY OF \_\_\_\_\_, THE \_\_\_\_\_ OF \_\_\_\_\_, 1984.

FOR THE GOVERNMENT OF COLOMBIA

FOR THE GOVERNMENT OF MEXICO

FOR THE GOVERNMENT OF VENEZUELA

FOR THE GOVERNMENT OF PANAMA

END TEXT

7. COMMENT: APPEARS CORE FOUR HAVE TAKEN ON BOARD MANY OF OUR CONCERNS ABOUT THE PROTOCOL, BUT DO NOT THINK THEY CAN GET AWAY WITH DROPPING THE CONCEPT ENTIRELY. COSTA RICANS ARE PROPOSING DRAFT WHICH THEY SEE AS BARE MINIMUM ACCEPTABLE. GUTIERREZ OBVIOUSLY HAS HIS DOUBTS AS TO WHETHER THIS WILL FLY, AND IS ANTICIPATING STIFF RESISTANCE. WRAPPING THEMSELVES IN CONTADORA AND ELEVATING THE FOUR TO THE STATUS OF "GUARANTORS" MAY NOT BE SUCH A BAD TACTIC FOR HEADING OFF A WIDE OPEN PROTOCOL WITH POSSIBLE CUBAN (AT A MINIMUM, IF LIMITED TO THIS HEMISPHERE) OR EVEN SOVIET PARTICIPATION. THE DOWNSIDE, OF COURSE, IS ASSIGNING TO THE CONTADORA FOUR A SUPERVISORY ROLE IN CENTRAL AMERICA WHICH IT IS UNCERTAIN THEY COULD ADEQUATELY FULFILL OVER THE LONG TERM.

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END OF MESSAGE

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