

United Nations Oral History Project

**Nicanor Costa Mendez
27 & 31 October 1990**

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YUN TAPE
NICANOR COSTA MENDEZ
BUENOS AIRES, ARGENTINA
OCTOBER 27, 1990
INTERVIEWER: SUTTERLIN

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Professor Virginia Gamba Stonehouse
was also present

JSS

Dr. Costa Mendez, I wanted to thank you for participating in this Yale oral history on the United Nations. As I indicated earlier, the questions will be largely related to that stage of the mediation efforts on the Malvinas/Falklands crisis in which the United Nations was directly involved. But if I could I would like to start with an earlier question because it became such an important part of the ultimate efforts to find a solution during the United Nations stage. And that pertains to South Georgia - the South Georgia undertaking in which first an entrepreneur went there on an Argentine ship, with which you I am sure are entirely familiar. My question is, was this part of the larger intention of Argentina with regard to the Malvinas? Should, in fact, the Secretary-General of the United Nations have seen this landing in South Georgia as an indication that he and the United Nations should have been activated at that point (which they were not) in order to avoid what came later?

Costa
Mendez

Well first, thank you very much for coming and visiting me and I am very happy to contribute in one or another to

the fantastic tasks that the United Nations has and, today, more than ever. In connection with the questions, first: The Davidoff visit to South Georgia had nothing to do, but nothing to do, with diplomatic action that was planned at the Foreign Ministry in Argentina. We even were not very much aware of the day that Davidoff was leaving from Buenos Aires. The only thing - our main intervention - was to tell Mr. Davidoff that the opinion of the Ministry was that white cards were legally sufficient documents to land in the Georgia Islands. And before that we had rejected a protest by the British Ambassador concerning a former visit to the islands by Mr. Davidoff. Second, in connection with the intervention of the Secretary-General, or of the Security Council, I mean that not because of Davidoff's presence, not because of Argentina's action, but because of the reaction in London which was really disproportionate to what was going on. I think that perhaps the Secretary-General should have been at least asking a bit more about what was going on. Not because of Argentina's intervention but because precisely of London's reaction, mainly of the House of Commons' reactions and of almost regimented reaction of newspapers in London concerning the Davidoff landing in the islands. And I say, regimented knowing perfectly well what's the scope of the freedom of the press in London. But as there were no

other sources from the Georgias than official sources, the news were almost the same in every newspaper and the news in the first place somehow contained elements that could have oriented people that were reading them and second were, I think, exaggerating the importance of the incident.

JSS In fact, the first time that the Secretary-General intervened in a sense (although he was always extremely careful not to interfere with the American mediation efforts) was on April 19 when he gave an informal note to the Argentine, the UK and the United States representatives offering the United Nations services and indicating what the United Nations might be able to do, including providing an umbrella. My question is, were these suggestions taken seriously on the Argentine side at that point in the midst of the mediation by General Haig?

Costa
Mendez

Yes, they were taken very seriously for very precise arguments. In the first place, because the whole process of negotiation had been the child of the United Nations. If we ever reached the negotiation stage in 1965 it was because of the United Nations intervention. In the second place, because we knew that we were more powerful or perhaps placed in a better negotiating position within the framework of the United Nations. And third, perhaps a minor argument, but I should also recall it - is that

the Under-Secretary, Mr. Ros, is a man very closely linked to the United Nations and had been the Chief of our Permanent Mission, for some time just before the Malvinas hostilities. But we were quite aware at that time that a) the United States had some misgivings about the intervention of the United Nations at that moment and we didn't want to interfere with the United States intervention, and b) because we had also doubts about what would be the attitude of the UK if we interrupted the Haig mission in order to switch to the United Nations, bearing in mind that also the UK had some misgivings about the United Nations and second, on the contrary, because we couldn't forget at that moment that the UK had the veto power in the Security Council. So, we thought that for the time being we should stick to the Haig mission, but we put on the shelf your United Nations offer saying, "Thank God we can have that..." In other words we wanted to keep that option open.

JSS So that from that point this became an option then for Argentina...

Costa
Mendez Exactly, and this is why when on the evening of May 2 when Ambassador de Cuéllar called Ambassador Roca and Ambassador Roca called me, I said, "Immediately, without doubt."

JSS Yes, actually before that you had seen the Secretary-General, I think, on April 30 and had indicated a

friendly attitude toward United Nations intervention.

Costa
Mendez

Correct, it was a short talk. We didn't say anything about any immediate intervention of the Secretary-General but we again talked about that possibility.

JSS

In that conversation you emphasized fairly strongly the point which had by then brought the United States mediation pretty much to an end, and that was of course the question of sovereignty. And the Secretary-General in his remarks simply avoided any particular issue. But my question is, at this point given the fact that this central issue was unresolved, and seemed unresolvable, did you have any hope or expectation that the Secretary-General might be able to succeed in a mediation effort?

Costa
Mendez

What date are you talking about?

JSS

I'm still talking about your conversation with him on the 30th.

Costa
Mendez

The 30th of April before...

JSS

...before he gave the formal aide memoire with his proposal.

Costa
Mendez

To be very frank, as I should be, I had always had an optimistic attitude in connection with the possible success of the UN intervention. Til the very last moment, we thought that if a second or a third cease-fire resolution were tabled, the UK would have to think twice

before vetoing them, as I had the idea that the UK could not go on vetoing cease-fire resolutions forever. A cease-fire resolution would have been very welcome and was the only diplomatic light that I saw at the end of the tunnel at that time.

JSS I see, because I believe that the Secretary-General called you personally at that stage, the final stage. But before we get there I want to go back to this period after the beginning of May when the Secretary-General did assume a mediation role. On May 8, I think it was, the Argentine Mission in New York issued a communique in which the participation of the United Nations was welcomed and in which the importance of confidentiality in the Secretary-General's efforts was stressed. I wanted to ask whether this had any particular significance - was it because of dissatisfaction with some lack of confidentiality in the earlier mediation efforts or was there some other reason for emphasis on confidentiality at that point?

Costa
Mendez

Well I would say that the main reason was that there had been many moments where news had been leaking during the Haig mission and in most of the cases those leaks had really created a very negative climate in Argentina, so my idea was that we should carry on conversations in a very confidential manner. We wanted really to achieve some results - not because we had particular feelings

about Ambassador Pérez de Cuéllar's capability of keeping secrets, no?

JSS Well, I think that Secretary-General Pérez de Cuéllar had an equal interest in confidentiality. My next question is, were you satisfied with the maintenance of confidentiality during the United Nations period?

Costa Mendez As far as I remember, I would say yes. I do not remember now any special leaking that would have really damaged our position, no.

JSS Now in his aide memoire of May 2, the Secretary-General sidestepped the question of sovereignty but this was accepted by both Argentina and the UK as a framework for negotiations. My question is, had there been any change in the Argentine position between the time when you talked to the Secretary-General just a few days before (in which you emphasized the sovereignty issue very strongly) and this point when the Secretary-General's plan was accepted as a framework?

Costa Mendez Yes, there was, and I don't remember now the exact date, I do remember that it was a Sunday. People from "Face the Nation," a very well known TV program, had arrived in Buenos Aires and interviewed me and at that interview I said that we were willing to face the negotiations conducted by Mr. Pérez de Cuéllar without prejudice, and without prejudgments to the sovereignty question. Because I thought that even if the sovereignty question

was "the question" and the only reason for the conflict we could try at that moment other roads and try to open other doors to decisions and discussion, no? It was, I may say, a bold decision on the part of our government and up to a point I think it helped negotiations. The word I used, "prejudgment" I think came later in a paper that the Secretary-General handed to Ambassador Roca and to the British delegation, but that was my idea at the moment. I recall that one of the two British ambassadors, either Ambassador Henderson's or Ambassador Parsons' reactions were positive and made a statement or a declaration to Pérez saying that this opened the possibility...

JSS

Yes, that is precisely the next point I wanted to come to because after the May 2 aide memoire there followed a period of quite intense so-called proximity talks in which the Secretary-General put specific formulations, really in some cases just sentences, both to the Argentine and the British side separately and from this emerged exactly what you have just said (at least in the Secretary-General's perception) that is, that it had been possible to overcome the sovereignty issue as a block to an understanding and if I could just pose this question again, was that your understanding also at that time?

Costa
Mendez

Well, my understanding was this very clearly - that we could say, "Let's sit to talk, talk and negotiate,

without asking for a previous recognition of sovereignty or without asking to begin the discussion with sovereignty but always bearing in mind that the final result of the negotiations should have, should contain, a decision on sovereignty, an agreement on sovereignty.

JSS But this was not a condition at this point?

Costa
Mendez Was not a condition at this point but it was a condition to say that final negotiations should end in an agreement on sovereignty.

JSS Because that is exactly the point that I want to pin down here, if I may. It was the perception I believe on the United Nations side that this no longer needed to be articulated and that for this very reason, a stage had been reached which had not been reached in the previous negotiations which opened the way to a possible interim agreement. That is, that there would not be in the interim agreement a specific statement that negotiations would have to end in the statement that sovereignty rests with Argentina.

Costa
Mendez Excuse me?

JSS That sovereignty rested with Argentina.

Costa
Mendez I do not agree with that sort of precise or specific wording but what could negotiations really be about if sovereignty was definitely excluded? Because you must bear in mind that GA Resolution 2065 precisely says that,

or talks about, or invokes, the dispute on sovereignty and invites the two parties to resolve the dispute on sovereignty. So, sovereignty could not be at that moment excluded. It could be either postponed, sidestepped, we could agree on how to overcome the present situation...

JSS OK, but sovereignty could not be abandoned. It had to remain a subject of discussion. The question here is, with or without prejudice?

Costa
Mendez Without prejudice. That was very clear, without prejudice.

JSS Because at this stage...

Costa
Mendez No, I think that this was very clear, but I think that this was very coherent - we did not ask for a recognition or a prejudice on sovereignty, no. But we said negotiations are on sovereignty, finally or at the end, or however you want to spell it out. Reference to the sovereignty dispute had to be included in the interim agreement; but we did not ask that the interim agreement prejudice about where sovereignty should rest in the final agreement.

JSS Now as a result of this at the United Nations on the part of the Secretary-General and the small group that were working with him, there was a considerable sense of optimism at this stage and several press releases were made which indicated caution, but optimism, My question

is, was this optimism felt on the Argentine side also? I should add here that the British fleet was moving even closer.

Costa
Mendez

No, that had nothing to do with it, no. My misgivings or my doubts, my own personal doubts, were - would the Secretary-General be able to find a way to overcome the other very big problem, the real problem that had always been the stumbling block in every negotiation since 1967, 1968; which is the subordination of the final decision to the wishes, or to the approval, of the inhabitants of the islands. Because that was, that was the determining point, absolutely. Was Mrs. Thatcher prepared at that point to find a way of sidestepping this? That was (and still is today, October 1990) my main big question. How will you, how will the two nations overcome that? Today is easier, but at that moment I say - will we be able to, and that's why (and I'm jumping) - cease-fire resolutions were cherished by us and dreaded by the British, because somehow, I can tell it now, I was - and this is very personal - I was somehow dreaming about a "242 resolution." The sort of a resolution that could lead to negotiations that would perhaps demand 10, 20 years, or the equivalent - I couldn't care less about that.

JSS

I'd like to skip ahead just to follow that particular point again because I wanted to ask about the Argentine reaction to the British draft interim agreement which was

issued on the 17th of May. shortly after that, you, Dr. Costa Mendez, were in New York and at the Security Council made an extensive statement in which you pointed out that the British draft had a series of "no's" in it, so to speak - "no" to Argentine movement to the Islands, "no" to the elimination of the old form of administration, and so forth. But you also raised there, you suggested, I think in your remarks, that the question of the "wishes" of the inhabitants of the Malvinas was in fact still a major negative point that the British were making; whereas actually there was no reference to this in the British draft of May 17. In fact, it makes a reference to an earlier United Nations document in which the reference was to the "interests" of colonial people. My question here is, did you not detect any change in the British position on this as a result of the wording in their draft interim agreement?

Costa
Mendez

Frankly, I didn't and I relied in this problem very much on my advisors. I will tell you something - perhaps one of my many mistakes (on this occasion I am being too personal) has been being incapable of delegating enough but in this particular case of United Nations resolution and the Charter and implementation of documents, I relied very much on Ambassador Ros who had very long experience in Malvinas affairs because he was in London in 1968 and in the United Nations and because he's a man who really

loves the United Nations and has faith in it, and also Candiotti, who is a very good lawyer and also a man that has been connected with the United Nations. So they were really professional people, among the very few professional people that Argentina has. So I relied very much on them in connection with this document and I relied very much on my own experience and reasoning you know from the political point of view. Were the British abandoning their self-determination principle, why, and how? So the reference to Article 73 made our people, my people and myself, doubt about the possibility of the existence of real change in the British mind. We thought that they had switched to 73 for cosmetic reasons perhaps, or reasons of procedure but not because they were abandoning the idea of a consultation with the people of the islands as a last resort.

JSS So that this remained in your perception (and in the perception of the Argentine government) a continuing hindrance to an interim agreement.

Costa Mendez Could you repeat this, please?

JSS This, then the question of the "wishes" of the islanders remained in your perception a continuing hindrance to an interim agreement.

Costa Mendez Yes, I aimed at - this problem of the "wishes" the principal of self-determination had been, and still is

the main, stumbling block. Our perception was that the British could not at that moment abandon the principle and this is why we were trying to search for ways of postponing the definite agreement of the residents because Haig had failed only because of that. The real problems were sovereignty and the "wishes." The rest had secondary importance. The real thing is the self-determination problem. The Belaunde proposition had failed because of that, even though it was better than the last Haig proposition because it didn't insist on the restitution of the British authorities. Of course there was the Belgrano incident which is part of it. And we were very optimistic about the Pérez de Cuéllar negotiations because we thought that we could make good progress without putting the sovereignty and the self-determination problems as initial decisions or as initial issues. But the advice I received and the conviction I myself made was that this problem had not been satisfactorily overcome at that time. Costa Mendez (to Gamba Stonehouse), "Is it clear, Virginia?"

S t o n e h o u s e
Yes, it is clear but I think one thing is missing. The interesting thing is that when you discussed with your advisors the British proposal of the 17th of May, you were also psychologically acting under the great insecurity of the trip of Parsons and Henderson to England on the 13th of May, and the fact that they had

frozen their negotiations with Pérez de Cuéllar for three days, and it was so similar to the Haig mission. At the last minute Haig also froze in exactly the same manner the proposals in April and when he came back with the proposal four days later he had added a referendum on the wishes of the islanders.

Costa
Mendez

Whenever the problem, whenever the point concerning their "wishes" or the self-determination problem was reached, something happened in every negotiation.

JSS

Well that leads exactly to my next question because the British proposal...

Costa
Mendez

Because, for example, Mrs. Kirkpatrick who was and is a good friend of our - not mine, she quarreled with me, but that's apart - I liked her very much and I think she's a first-class diplomat and a first-class historian, but that's about it. She never realized it and she said, "This document's marvelous, you should accept it without doubts, you won't have any problem now." "Who gives the guarantee? Will you give me a written guarantee that the United States says that there is no problem concerning the self-determination principle?", which was the same question that I had put to Mr. Haig a month before.

JSS

That leads me to another question - a little bit out of order here - concerning Mrs. Kirkpatrick and the Argentine representation in New York at this stage

because of course Ambassador Ros and Ambassador Roca and a small team were the ones who were conducting the mediation talks with the Secretary-General. But there appeared to be at least from the perspective of the Secretary-General's office another group of Argentine representatives who were in fact dealing with Mrs. Kirkpatrick for reasons that were not clear. Can you comment on that?

Costa
Mendez

Yes. No doubt it was this Mr. Bunge who came on the behalf of one of the members of the junta, Air Force Brigadier General Lami Dozo, on a goodwill mission. I'd been informed of that and had doubts about the possibilities, but I didn't want to say no to any effort. So I said, "Okay, let him go, let him talk to Mrs. Kirkpatrick, if anything good comes out of it I would willingly back that up."

JSS

Was there a perception in Buenos Aires at that point that Mrs. Kirkpatrick had substantial influence on American policy with regard to the Malvinas?

Costa
Mendez

We had a perception at that time, a very clear perception, that the State Department, or the government if you want, was divided with hemispheric people (if you may call it that way) on the one side and the Atlantic people on the other side. Mrs. Kirkpatrick was the leader of the hemispheric group and Weinberger and Haig

were the leaders of the Atlanticist group. We had that perception and that is why any mission to Mrs. Kirkpatrick was somehow welcome even if I knew it was unorthodox. But if it could help, okay.

JSS

I'd like to go back now if I could actually to an earlier period, to a question that we skipped. That is the Peruvian initiative which you have just mentioned. That occurred at the very point when the United Nations mission was beginning. My question is, did this create confusion rather than assistance on the part of Argentina?

Costa
Mendez

Not on me, I think that as far as I remember the Peruvian initiative began on the 1st of May. Late, late in the night and in the early hours of the 2nd of May I received a call from my friend the Prime Minister at that time of Peru, and the Foreign Minister called me and said that they were sending a telex - FAX didn't exist - to General Galtieri from President Belaunde. I arrived on early 2nd May in the White House, in the Pink House and when they showed me the telex I said, "Well I think it's a very good telex." I called it a very good papelito and it was known as the papelito afterwards. The papelito es muy bueno, really it was very good, and I said, "Okay." Well then Mr. Belaunde called and Galtieri said, "Please, talk to him, you're more familiar than I with the technicalities of this." And I said, "Okay, I see two or

three objections but not any big objections." He said, and this is very interesting, "This paper has been drafted by Mr. Haig," and had been sent by Mr. Haig to President Belaunde asking him to push it onto President Galtieri. Well that's very interesting. Well, I'm studying it, I'm certainly relating my opinions to the President and the President would have to call a meeting of the junta. But I think that this is a positive move. Ten or in fourteen minutes afterwards, Belaunde called again and again President Galtieri asked me to hold the conversation. "Well," he said, "there's a very slight change, only one. Or perhaps two," he said, "but only one important. The other you will accept." "What's the change, Mr. President?" "The change is that you will read in point 5 the word aspirations." "Well, the British said, 'no'?" He said, "I've been asked by Mr. Haig to change it to 'wishes'." "Mr. President, this puts an end to everything." "But don't say that, how could you? Only a word." "That's a word. And this is a proof also that the British know the document." "No, no, I'm sure they don't." I absolutely sure they do because only the British could have asked Mr. Haig to change "aspirations" or "points of view" (because we had accepted "points of view" which was quite good, or "aspirations"). But "wishes", no, because even if you go to the concise Oxford and compare, probably "wishes" and

"aspirations" and "points of view" are almost the same, from a grammatical point of view. But from a diplomatic point of view, "wishes" had such a special connotation that meant a lot of things - a lot of unacceptable things. "Wishes was a new word in the Belaunde negotiations [Peruvian draft] but it was not a new word in the negotiations between the British and us - do you follow me?

JSS Yes, entirely.

Costa Mendez Is it clear? Please ask me if you don't because between my eight years and my English, I may incur a lot of mistakes. So...

JSS I think your understanding of the word "wishes" is total.

Costa Mendez So, that was that. And then President Belaunde said, "Well, I will ask a change." Because again I insist on this. Belaunde's proposition was a sound proposition except for "wishes," and, I don't remember now, there was another point which was "minor."

JSS Was it the number of countries?

Costa Mendez Yes, exactly, concerning the group of countries.

JSS I think you did not want the United States to be included but that was not important.

Costa Mendez Exactly, that was not important and at the end I said,

"Okay, let Uncle Sam come in, I will applaud him." But that was that and there was nothing from Mr. Pérez de Cuéllar til, and then at the moment the ball was on their side because they had to say, "Okay, drop 'wishes' and use another word." So from our point of view the document was accepted in principle, provided that "wishes" was replaced by another word. Okay? Right. Then the Belgrano incident took place. And at the same time - well the junta decided to suspend negotiations. Roca called me and said, "I have been invited by Pérez de Cuéllar to visit him in his own apartment, or flat, or whatever." "Can I go?" "Yes, you may because we are, talks have been suspended. But you must tell Mr. Pérez de Cuéllar that there is this intervention. But tell him too that negotiations have been suspended." He brought the first paper from Ambassador Pérez de Cuéllar. He sent the paper. We immediately liked the paper. I asked Ros and Candiotti their opinions on the paper; they had positive opinions. There was again the problem that these people would be in the hands of the United Nations. We liked that from many points ov view even if we had some misgivings about the Security Council and the veto powers. So wedidn't answer immediately because Belaunde's mission had not yet been ended. But after the sinking of the Belgrano - because the call from Ambassador Pérez de Cuéllar took place before the sinking

of the Belgrano. Did you agree with that?

JSS Yes, and the Secretary-General was extremely disturbed.

Costa
Mendez

And I said to Roca, Well, tell him that we are involved with this but you must go, you cannot say no to the Secretary-General's call." Perhaps I should have said "no" to Dr. Roca but I feel now, and I felt at the time, that it was harmless provided that he informed Pérez de Cuéllar of Belaunde. I think that Ambassador Pérez de Cuéllar was upset by the news about the intervention of the Belaunde of which he didn't know anything (and he said so to me a year, or a couple of years afterwards). The first news were the information that Dr. Roca transmitted. Is this true?

JSS

Yes, this is entirely true and you have clarified something I think that's important here because one of the Secretary-General's concerns was that there might be an impression (because of his Peruvian nationality) that in fact the Peruvian initiative was connected with the Secretary-General. But you have in your response made very clear that in Buenos Aires you knew where the initiative came from and that it had no connection with...

Costa
Mendez

We never connected one with the other. On the contrary, if I may be very frank and perhaps this could be one of the parts that can be excluded, we thought that there was

a competition between Ambassador Pérez de Cuéllar and President Belaunde. So we didn't know if President Belaunde, knowing that Ambassador Pérez de Cuéllar was going to begin a peace initiative, tried to get in before, or if Ambassador Pérez de Cuéllar jumped in because he didn't want to leave the probable victory in the hands of Mr. Belaunde, having as we thought at that time ambitions about the Peruvian presidency.

JSS That was not totally unsuspected in New York.

Costa
Mendez Anyhow, is this clear?

JSS Yes. Now if I may I'd like to go back to the British draft of May 17 which was a complete draft and which was in fact released to the press very quickly thereafter. Leaving aside the question of the "wishes" of the inhabitants of the Malvinas, what was your reaction to the British action on this complete interim plan that they suddenly produced?

Costa
Mendez This is going to be one of those secret parts, too. My reaction should have been a very happy one, no? But frankly I was suspicious because of the whole movement, why had they left so suddenly? The only argument that we found for a change in the British position was what we felt could have been the pressure of the European Community. That's the only reason we perceived. But we thought that Mrs. Thatcher so diabla, how do you say

that?

JSS Devilish...

Costa Mendez ... that she wanted to be with her without changing this. My own reflections were, now at this stage, how could they say goodbye to the self-determination principle that has been the only problem in all the discussions from the very beginning, 1965 til now? Mr. Ridley was expelled from the House of Commons because he dared to present the lease solution. So, but even then...

JSS Well I think that that reaction that you've just expressed to the British interim agreement is very clear and my next question really pertains to the Argentine draft which followed and which seemed - and this is the question - to have been prepared after the UK draft was available to you. First of all, is that true? Was the Argentine draft prepared after you knew what was in the British draft?

Costa Mendez To be precise, it was not prepared after but it was somehow changed afterwards. Some additions were made after we had received and studied the British paper.

JSS Now the next question is a multiple one - were these changes made then because you considered that the prospects for agreement had greatly declined?

Costa Mendez No, no, no. At that moment we still had some optimism, still had optimism and even then that was 19, 20 of May.

I flew to the States on the 21st, I think, and we were still optimistic and we were still decided to continue negotiations. On the contrary, we were pressing the Secretary-General to continue negotiations. We were at the time interested more than ever in reaching a peaceful solution. We had the idea at that moment, I had the idea at that moment at least, that the military prospects were very bleak and that we should - I concentrated on the idea of at least a cease-fire agreement and continue the document knowing quite well, as I know today, that the problem of the "wishes" the problem of self determination is very difficult to overcome.

Gamba

Stonehouse I think what is also important was the fact that the Argentine statement, the last one with the changes that you made - it wasn't because you saying 'no,' or difficulties with the UN or the Secretary-General, but because there had been a military attack, that all the military advisors were informing the Ministry that it was the beginning of the landing. We all knew at that stage that the landing meant war and therefore what were the prospects of diplomatic negotiations on the interim agreement?

Costa
Mendez

That is very correct and I would like to endorse absolutely what Virginia says because we entered the negotiation with the understanding that hostilities would be suspended and that, moreover, in the case of this

precise document we thought that the interruption of negotiations due to the need for the British Ambassador to fly to London would mean more than ever a cease-fire, a suspension of hostilities. So what Virginia says is very very important. And when we made some changes in our paper in order to take care of the arguments of the British paper we made it openly, not secretly, not with the ploy that we were doing something against the rules of negotiations - that's very important for us to state.

JSS

The reason I raise this question particularly relates to exactly what has been said and is twofold: first, some parts of the Argentine paper were I think now, certainly in retrospect, obviously unacceptable to the British and I am wondering if you realized that at the time, whether any of these points were put in to make it a harder position?

Costa
Mendez

May I begin with a comment, please? That is that war is a very complicated affair, full of contradictions and very very difficult to conduct in an orderly way, no? And that really it's not the case of this particular war but the case of almost every - perhaps you have read Mrs. Tuchman's books called The Folly of Nations and The Guns of August. And there's a very good citation by Paul Valéry on that and a very good one by Clausewitz - everyone has said the same feeling. War is a problem, a tremendous chaos. Well, anyhow. My point is this - that

those paragraphs were inserted in order to placate some military positions that were very tough and very pressing at that time.

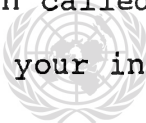
JSS The other point is precisely the one of the military situation because by this time it was fairly clear that the British troops could land within 3 or 4 days. Did this affect this, and I think you just answered this, but my question is - did this affect the Argentine negotiation position? I think you said yes.

Costa
Mendez

Yes, of course. Would you allow me just a minute. At this point, I think, first - negotiations began to be very confusing, very confusing. Second we perceived a change in the attitude of Secretary-General in the sense that he was beginning to lose some confidence in his own ability to put an end to the negotiations. Third I think that he began to think that we, the Argentines and the South Americans, had also begun to lose confidence in his abilities. But no doubt after 21 May things changed very much for the worse, no doubt, no? I think that it's important to say this and it's important to transmit my own perception, and I think the perception of my government even if, as you well know, military people have some normal mistrust of the UN and also I'm afraid of other international organizations. But anyhow, at that time, in spite of what I have said, first - we had full confidence in Mr. Pérez de Cuéllar, not so much in

his staff (excuse me) but we had full confidence in him. Second, we wanted him to continue, a) because of the confidence we had in him and b) because we didn't want to abandon the UN forum. We thought that this was the only forum that we still had; there was no other. And we wanted to transmit to him (which we didn't do well) this confidence in him and in his abilities and in the institution. But I think I failed in that. Then came two episodes that confused me. One was the announcement that he was flying to Washington to meet me at the airport, not at the city airport but the other airport, to discuss. And I said, "Most willingly, I will be at the OAS meeting but I will suspend any meeting, any audience, any appointment in order to meet you." And he didn't appear and he didn't give me very precise reasons why he had suspended the trip. Then some days after, I was in Buenos Aires, either Cordovez or de Soto, one of the two, called me and said, "The Secretary-General is ready to make a trip to Buenos Aires, to call on Galtieri, to talk to the junta." I said, without consulting anyone, I said, "Most willingly, he would be very well received, I was sure, sure." Unfortunately, I talked to Galtieri and Galtieri said, "No, by no means except if he goes first to London." I said, "We cannot ask that." "Yes, but we must maintain symmetry because otherwise we'd be highly criticized here." I said,

"Look, I insist, we cannot ask him for that." Well, but I put some pressure on Galtieri, and Galtieri is a very noble man, a very nice man, really. He's a very nice man, I made a very good friendship with him, a friendship that has endured a war and the aftermath." He said, "Okay, do as you like." And when I came back with my positive response I found that a change of mind had taken place in the Secretary-General and he said, "No well, this . . ." - I don't know if I talked to him or to Cordovez or de Soto, or I talked to Ros and Ros to them. "The plan has been called off, called off." Does this make any sense in your information?



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YUN TAPE
NICANOR COSTA MENDEZ
(second interview)
OCTOBER 31, 1990
BUENOS AIRES, ARGENTINA
INTERVIEWER: SUTTERLIN

JSS So, Dr. Costa Mendez, as I was saying, we left off at the last interview at the point where you were discussing the Secretary-General's actions as mediator in this particular case. Perhaps you would like to go ahead and add something to what you said before as to your assessment of the Secretary-General's performance.

Costa
Mendez

I think that he was, that his performance was a very good one, that he moved with intelligence, skill in and a very objective way, trying to take care of every detail in order to be objective and in order not to lose the confidence of the parties. So I think that no one has reason to put any blame on him, no.

JSS Now that brings us to the point of the Secretary-General's, in a sense, his final efforts. He had as you know engaged in an intensive series of talks with the head of the Argentine delegation, Ambassador Ros, and with the British Ambassador in which various formulations were put forward and to an extent, agreed. But then the British put forward their own plan on May 17. The Secretary-General sent that immediately to the Argentine side. But meanwhile he prepared an aide memoire which was given to both sides on May 19. In that memoire he said that it was his assessment that very important areas

of agreement had been reached. If you would just like to look at this aide memoire the areas of agreement were that...

Costa
Mendez

No, no, no, I do remember. I have just read the memorandum.

JSS

And the question is, did you at the time agree with the Secretary-General's assessment that these particular points had in fact been agreed?

Costa
Mendez

Yes, definitely. As far as I recall the main point in discussion was the problems of the references to [GA] resolutions 1415 and 2065 of the United Nations. At that time we thought (at least Argentina thought) that those two resolutions should be mentioned, ought to be mentioned in the document. I think it was a very important moment, perhaps the most important moment of the, not only of the Secretary-General's negotiations or intervention, but also more important than President Belaunde's intervention and far more important than General Haig's intervention. I think that we were closer than at any moment before, and that thanks to the Secretary-General and the parties work, I think that we had really refined many many aspects. (Costa Mendez: "Do you say refine in this context?" (a "yes" from JSS) Many aspects, and we had gone very deep into examination of the problems. So I would say that this aide memoire was perhaps more complex but it marked a great progress in trying to establish the problems to be discussed, in

trying to cover the areas that had been discussed and agreed upon and to define the real points where the parties were not yet in agreement. Is this clear, please?

JSS Yes, it's clear and there's one point that I want to be particularly clear on because the very first point on which the Secretary-General says that agreement in his view had been reached, was that the agreement that was going to be hopefully signed would be an interim agreement and would be in fact without prejudice to the substantive positions of either side.

Costa
Mendez

Well, as I have already told you, this problem of beginning the negotiations without prejudice to the claims of either side - as the Charter reads, it's the words of the Charter - but without "prejudgment" got the approval of the Argentine government after very long discussions and arguments because for many, obviously, and for many days during the negotiations, the Argentine government made a point of saying the outcome of the negotiations should be recognition of Argentine government's sovereignty. This was the first time that Argentine government finally (and not very willingly) accepted a document where that objective was not inserted and that left a wide spectrum of possibilities. But we finally accepted and I finally sent a message to Ambassador Ros, saying that the Junta had finally accepted.

JSS

And that is the important agreement I think that is reflected then in this aide memoire. Now in the memoire it is suggested I think that there were four areas that were not agreed and one of them was the geographic extent of the agreement which was being sought, the interim agreement, because it had not been possible at that point to reach it. How important was it to reach that from the Argentine side?

Costa
Mendez

Well, as you can guess it was of capital importance, it was a decisive point, but at that moment we were so much concentrating on the other problem, on the problem that we mentioned, that we thought that perhaps we could sidestep this if we could reach an agreement on the heart of the matter. We were certain that we would be able to find some way, some draft, that would sidestep this clear position because Argentine government would not drop its sovereignty claims on those two archipelagos and knew well that this new discussion would have to take place. But we were so concentrated on the other point that we gave secondary importance to this point, not in the sense that we would be ready to drop our sovereignty, not at all, nothing of the sort, but in the sense that we were confident that we would be able to find a way of solving this. May I add three points? First, we had at that time the feeling that after, let's say, the [inaudible] that the Secretary-General had quit the exercise a bit too early, that he had given up too early. Second, we

had also, we resented the fact that he didn't fly to Buenos Aires. And I myself found myself frustrated because I wanted to negotiate directly. I wanted to be in New York carrying the burden of the negotiations, myself. But my government didn't want it because they say, "Unless Mr. Pym is there too, you mustn't be there." Which was a grave mistake but because the telephone talks and the consultations and the new concentrations were really delaying too much the whole exercise. But I think in the whole history of Malvinas conflict, except perhaps for August 12, 1968 we had never been so near a very solid agreement as around May 19, 20.

JSS

Yes, you've just raised a point that I would like to question you on. Can you comment on the decision-making process at this stage on the Argentine side? That is the relationship in Buenos Aires among the elements that presumably had some role in the decisions that were ultimately made.

Costa
Mendez

Well there has been a lot of talk and discussions about that problem. I would say, first, the Junta had full powers and anything that can be said about the other generals mixing in the Junta's decision-making process is nonsense. The Junta had full powers and exercised full powers. I assisted at almost every meeting of the Junta that dealt with diplomatic questions, almost - not almost - at every meeting when I was in [Argentina]. And I can give witness to that. But, of course, we were all aware

of differences among the members of the Junta. And sometimes agreement was not easy to reach; it was not easy to reach agreement.

JSS And there had to be consensus among the members of the Junta..

Costa
Mendez Yes, the rule was that they had to search for unanimous decisions.

JSS So that General Galtieri could not make the final decisions.

Costa
Mendez No, General Galtieri was the president, in the sense that he was the chief executive officer of the government, but no decisions, no political decisions, could be taken by himself alone. They had to be taken by the members. So that, not that there were too many differences or discussions, but agreements, you know, were not easy to reach and, of course, that introduced delays. I received the proposition, I discussed the proposition with my own assistants in order to put them in intelligible terms so as to even discuss them with the Junta and then come back and transmit it to Ros. The decision-making process was slow.

JSS At the very end, and I'm jumping ahead here, but at the time when a cease-fire was being sought, when the Secretary-General had again put some ideas forward to both the British side and the Argentine side, the British side responded quickly, more or less as expected, in effect that the only cease-fire could be based upon the

complete withdrawal of the Argentine forces and not on the withdrawal of the British forces. The Argentine response was, again from the perspective of the United Nations, received through unusual channels, it was not Ambassador Ros I don't think, and in a rather garbled form. Did this indicate that at that stage something had changed, that there were different channels of communication?

Costa
Mendez

No. The problem was that the Commander-in-Chief of the Air Force had informed me and asked me if I was opposed to the possibility of one of his closest friends fly to New York and getting in touch with Ambassador Kirkpatrick. This man was a very close friend also of Ambassador Kirkpatrick and offered his good services. I answered him, I do not oppose that intervention at all and any effort at this stage is welcome. And of course at that moment the Air Force was the force that had lost more lives and more material. So they were eager to reach an agreement. I didn't oppose but I asked them, do not transmit any proposal or any communication except through Ambassador Ros. He said, "Okay, I understand that quite well" and I don't think that any official proposal was ever transmitted, or any formal official proposal was ever transmitted, by channels other than the head of the Argentine mission.

JSS I'd like to go back now just for a moment to the Secretary-General's aide memoire of the 19th of May. As

far as I have been able to explore there was never a response from Argentine government to this aide memoire. I wonder what your recollection of this is?

Costa
Mendez

Well I'm, I would have to check my papers before giving you an answer but perhaps there was no written answer, I'm almost sure that there was no written answer, there were other answers and above all, our idea was that I would go personally and discuss the aide memoire with Ambassador Ros and Pérez de Cuéllar. Which I did. But when I arrived in New York, two things had happened. In the first place, the British had disembarked in the islands, and second, the Secretary-General had already informed the Security Council that he felt that he had ended his mission, that the end of his mission had arrived. Is this true?

JSS

Yes, that's correct, because I think that the Security Council met on the 23rd and you had arrived there but the Secretary-General had informed the Security Council on the night I believe of the ...

Costa
Mendez

In a rather informal meeting, no?

JSS

Well he first sent a note to the President in order to get it on the record. Again I believe he wanted to get this on the record but ...

Costa
Mendez

Our position was that the answer would be delivered by the Argentine Foreign Minister.

JSS

Right, right. Now, just in a sense in a way of summary

I have a couple of questions, several of which I think you've answered. One of them was, did you feel at any point really that a breakthrough was at hand and that an agreement was really possible that would avoid the war? I think you said "yes".

Costa
Mendez


Yes, at many moments as I told you before in this record, at the very beginning when there were 3, 4, or 5 moments when I was optimistic. First was the evening of the resolution when, the evening of the 3rd of May, when Resolution 502 had been voted and we had the idea of asking the Security Council to send the Blue Helmets and that Argentine government would withdraw its forces. Second was at certain moments of General Haig's negotiations but I do not recall a very precise moment. I was very optimistic on May 2 when President Belaunde's proposition was discussed and I found that the general feeling was inclined to accept that proposition. I thought it was a very good agreement. And finally, I think that, as I told you, I think that around 19 of May we were very close. The problem is that moment, we were all very tired and mutual suspicions had grown and we didn't trust the British any more, and I don't think the British trusted us either. So even if with the effort of the Secretary-General was a fair (as I told you) a good one, I think that both parties were too involved in their own positions, no? But I insist on saying that this aide memoire was perhaps the best document ever and this

document could be taken out of the file today and could be the basis for a new negotiation - there you are.

JSS

That's an important comment. The final question I would have in this connection is, in your assessment, would there have been then a better chance for ultimate success in the Secretary-General's negotiations if there had been more time? If his efforts had begun earlier - this is a hypothetical question - but you have just suggested that this aide memoire was indeed a very constructive document. But it came very late, just two days before the British landed..

Costa
Mendez



Yes, well, of course with hindsight you can answer so many questions, no? But I have no doubts about this - that had the Secretary-General begun his mediation or his intervention or good offices at the very beginning of April I think that we could have reached an agreement because he proved to be far more objective and had a far more equitable attitude than General Haig. But incredible as it may sound to you, the Argentine generals had more confidence in General Haig than in the United Nations. Among them there has always been a sort of mistrust and thinking that the United Nations was in the hands of the leftist movements, of leftist Permanent Members. It was a very fair, serious and responsible effort; it came too late; the parties were tired of negotiating with no results. Argentina had always been promised a pause during negotiations, which never

occurred. The two countries were too emotionally involved and in both countries public opinion had become a bit jingoist. However the paper Pérez de Cuéllar presented to the parties on the 19 of May was a very good paper. I only wonder if he fully grasped the importance of the self-determination problem.

JSS

I think we're going to have to end there because the time is up but I want to thank you.



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