



Security Council

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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
SEVEN HUNDRED AND EIGHTEENTH MEETING

Held at Headquarters, New York,
on Tuesday, 28 October 1986, at 4.30 p.m.

President: Mr. AL SHAALI

(United Arab Emirates)

Members: Australia
Bulgaria
China
Congo
Denmark
France
Ghana
Madagascar
Thailand
Trinidad and Tobago
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America
Venezuela

Mr. WOOLCOTT
Mr. TSVETKOV
Mr. LI Luye
Mr. GAYAMA
Mr. PIERRING
Mr. de KEMOULARIA
Mr. GREHO
Mr. RABETAPIKA
Mr. KASEMSRI
Mr. ALLZYNE
Mr. BELONOGOV

Sir John THOMSON
Mr. WALTERS
Mr. AGUILAR

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The meeting was called to order at 4.30 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 17 OCTOBER 1986 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/18415)

The PRESIDENT (interpretation from Arabic): In accordance with the decisions taken at the previous meetings on this item, I invite the representative of Nicaragua to take a place at the Council table; I invite the representatives of Algeria, Argentina, Cuba, Democratic Yemen, Guatemala, Honduras, India, Iraq, Mexico, Peru, Spain, the Syrian Arab Republic and Yugoslavia to take the places reserved for them at the side of the Council Chamber.

At the invitation of the President, Mrs. Astorga Gadea (Nicaragua) took a place at the Council table; Mr. Djoudi (Algeria), Mr. Delpech (Argentina), Mr. Oramas Oliva (Cuba), Mr. Al-Ashtal (Democratic Yemen), Mr. Andrade Diaz Duran (Guatemala), Mr. Martinez Ordoñez (Honduras), Mr. Gharekhan (India), Mr. Kittani (Iraq), Mr. Moya Palencia (Mexico), Mr. Alzamora (Peru), Mr. Moran (Spain), Mr. Al-Atassi (Syrian Arab Republic) and Mr. Pejic (Yugoslavia) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT (interpretation from Arabic): I should like to inform members of the Council that I have received a letter from the representative of the Islamic Republic of Iran in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Rajaie-Khorassani (Islamic Republic of Iran) took the place reserved for him at the side of the Council Chamber.

The PRESIDENT: The Security Council will now resume its consideration of the item on its agenda.

The first speaker is the representative of Spain. I invite him to take a place at the Council table and to make his statement.

Mr. MORAN (Spain) (interpretation from Spanish): I wish first, Sir, to express my country's satisfaction at seeing you preside over the Council's proceedings and to congratulate you on the work that is being done.

When on previous occasions, including some very recently, this principal organ of the United Nations met to consider other aspects of the serious situation in Central America, my delegation deemed it necessary to set out its position on the question, a position with which the Council is now familiar. Spain has unfailingly stressed in this and other forums its full support for the Contadora Group's activities and peace proposals.

In the present circumstances, my delegation wishes to refer to a matter it considers to be of the greatest importance. It is Spain's view that compliance with the Charter and respect for the international legal order are fundamental concerns of all the members of the international community and have a direct and immediate bearing on each of them.

One of the major achievements of the San Francisco Charter is the commitment of States to renounce the use of force and henceforth to base their relations on the principles and norms of international law, for the better application of which the International Court of Justice was established. Scrupulous respect for the Charter and the decisions of the International Court of Justice have accordingly become the cornerstones of not merely the present juridical system, but of relations and coexistence between States. In the present case both the integrity of international law and the ability of the United Nations to discharge its responsibility for the maintenance of international peace and security are at

(Mr. Moran, Spain)

stake. It is precisely that need to maintain the United Nations ability to carry out its obligations deriving from the Charter that has prompted my delegation to address the Council today, as on similar occasions in the past.

Clearly, this is not the time to enter into legal disquisitions on the competence of the International Court of Justice to hear the case and thus draw hypothetical conclusions about binding jurisdiction. The Court itself has settled the matter, rightly, in my country's view, in the light of the arguments set forth in the Court's decision and bearing in mind that under Article 36, paragraph 6, of the Court's Statute, which is binding upon both parties involved in the dispute, it is for the Court to decide whether it has jurisdiction.

I shall not dwell on the matter now. It is well known that the international community has accepted as unquestionable principles the renunciation of force, peaceful coexistence, non-interference and non-intervention in the internal affairs of others and respect for human rights and the fundamental freedoms of all. The principles of the Charter and the norms of customary law invoked in the Court's judgement constitute full legal obligations for all States. Furthermore, according to the Statute, the judgement calling for respect for those principles bears the full force of res judicata. Compliance with it is a political imperative of the first order, since respect for the foundations of the current international legal order is at issue.

In the present case, it is of the greatest importance that the peace process initiated by Contadora, which affects a region beset by long-standing problems, a region with which Spain has many links, should benefit from respect for international law and not be hampered by the introduction of doubts about a judgement we have all accepted and whose applicability we have all proclaimed.

The PRESIDENT (interpretation from Arabic): I thank the representative of Spain for his kind words addressed to me.

Mr. GAYAMA (Congo) (interpretation from French): First, Sir, I sincerely congratulate you on the very competent and courteous way in which you have been guiding the Council's work since the beginning of this month. Your country and mine belong to the Non-Aligned Movement and often act together to defend common interests and ideals. We can therefore only feel gratified at seeing you occupying your important post.

Your predecessor, Mr. President, the Permanent Representative of the Union of Soviet Socialist Republics, Mr. Alexander Belonogov, demonstrated great talent and efficiency in carrying out his mandate last month, and we are very grateful to him.

Before coming to the subject under discussion, I hope the Council will allow me to pay a well-deserved tribute to President Samora Machel of Mozambique, who met his death a few days ago in the much-troubled area of southern Africa in an air disaster whose causes have not yet been clearly and definitively established.

President Machel's funeral takes place today in Maputo. Flags have been flown at half-mast in the People's Republic of the Congo, and a period of national mourning of four days has been proclaimed there.

In President Samora Machel, Mozambique has lost a leader of rare human qualities and a political strategist of high calibre. For the FRELIMO Party, his death is that of a leader of men who had illustriously succeeded the great Eduardo Mondlane in heading the struggle for independence. Africa and the world regarded him as a hero of the stature of other great Africans such as Amilcar Cabral, Agostinho Neto, Patrice Lumumba and Gamal Abdel Nasser.

Samora Machel died at a time when the struggle against the inhuman system of apartheid was reaching a decisive turning point, where his presence would have been of great assistance but, as President Denis Sassou-Nguesso, President of the

(Mr. Gayama, Congo)

People's Republic of the Congo and current Chairman of the Organization of African Unity, said in his statement on this occasion:

"Africa is organizing to meet the challenge represented by the death of Samora Machel... and the best tribute the peoples of Africa can pay him is to continue with determination the struggle for which he sacrificed his life.

The struggle continues; victory is certain."

We view with grave concern the organization and progressive development in Central America of a conflict whose consequences have not yet been fully weighed, even by those who are responsible for the war. We shall not go into the dynamics of the situation, since this is not the first time the Council has considered the matter. Resolutions 530 (1983) and 562 (1985) bear eloquent testimony to the concern expressed by the Council in that regard.

(Mr. Gayama, Congo)

The fact that Nicaragua has repeatedly approached the Council should not be surprising in the light of developments. It is to the credit of those that still believe that law should prevail over force, in the virtues of dialogue and the principle of the peaceful settlement of disputes that they have turned either to the Security Council or to the International Court of Justice - in other words, have availed themselves of all the ways and means provided by the Charter of the United Nations or international rules to deal with a problem which involves international peace and security.

For that reason we were keenly interested in the facts presented last Tuesday by Mr. Miguel d'Escoto Brockmann, the Minister for Foreign Affairs of Nicaragua.

In particular, we believe that the constant financing and encouragement of warlike actions against Nicaragua set a dangerous example of which my country cannot approve.

What continues to surprise us, furthermore, is the obstinacy and the calculating attitude of those that are daily stepping up their efforts to foment war and exacerbate tensions in Central America under the somewhat hollow pretext of defending freedom, regional security and the interests of all the American peoples, particularly those of Central America. We have learned enough from similar instances in history where aggression has been disguised as self-defence for the commission of unconscionable misdeeds and has led whole peoples towards tragedy. Obviously this is not the fate we would wish for Central America.

It would have been preferable, instead of imposing on the peoples of this region the yoke of a new rule of force which would justify all kinds of attacks on the independence and sovereignty of other States and violate the principle of non-interference in the internal affairs of other States, to have brought into action the machinery of socio-economic co-operation to promote the climate of

(Mr. Gayama, Congo)

confidence without which the real problems and their underlying causes will always be shunted aside in favour of secondary issues.

The sometimes complex relationships between States and the International Court of Justice could provide material for lengthy debate. Nevertheless, these relationships do not arise in the abstract. The circumstances which lead States heretofore firm partisans of the International Court of Justice to challenge the competence of that body, as in this particular case, can only cause perplexity about the real intentions of Washington in respect of Managua.

The public provision of aid to those that oppose the Government and to anti-Sandinist mercenaries, with the sole aim of toppling the Managua Government for the crime of ideological incompatibility, is, to say the least, an exercise very perilous for peace and security which can only be indulged in at considerable risk.

My delegation would like to reiterate its faith in the virtues of dialogue and a negotiated solution in any possible dispute that may exist between Washington and Managua and would urge both parties to make contact to that end. It cannot be claimed that the means of achieving a peaceful settlement are lacking. The Contadora Group and its Support Group have frequently indicated their availability and have provided a whole range of procedures which, if followed, we believe, would be quite sufficient to ensure satisfactory results even for the most demanding political moralists.

Furthermore, it is with some disquiet that we see day by day growing incomprehension between Latin America and its neighbouring super-Power, simply because the latter does not seem to be at all concerned about the sensitivities of its neighbours, which it apparently wishes to treat only as minor partners.

(Mr. Gayama, Congo)

Last July the Council was not able to adopt a consensus resolution on the judgement handed down by the International Court of Justice on 27 June regarding military and paramilitary activities in and against Nicaragua.

We hope that this time the Council will be able to agree on elements which, we believe, could easily win general agreement, if only to preserve the opportunities for peace in accordance with the rules and usages of international law and the full symbolic value of the Charter of the United Nations and the Statute of the International Court of Justice in the world of today.

The PRESIDENT (interpretation from Arabic): I thank the representative of Congo for the kind words he addressed to me.

The next speaker on my list is the representative of Honduras. I invite him to take a place at the Council table and to make a statement.

Mr. MARTINEZ ORDÓÑEZ (Honduras) (interpretation from Spanish): The debate currently taking place in the Security Council under your able presidency, Sir, was requested by the delegation of Nicaragua pursuant to Article 94 of the Charter

"to consider the non-compliance with the Judgment of the International Court of Justice dated 27 June 1986 concerning 'Military and paramilitary activities in and against Nicaragua'". (S/18415)

The subject in itself, as the members of the Council will appreciate, is closely linked to the grave situation unfortunately obtaining in Central America, of which Honduras is a part. Accordingly, any decision taken by the Council in response to Nicaragua's request will inevitably have an impact on that crisis.

It is for that reason that my Foreign Ministry has instructed us to take part in this debate and to draw the attention of the members of the Council and of the international community to the fact that, by raising this matter for discussion,

(Mr. Martínez Ordoñez, Honduras)

the Sandinista Government is simply using this forum and the highest judicial organ within the United Nations system for its own political ends, with a clear propagandist intent, to the detriment of the prestige and dignity of the International Court of Justice.

That attempt by the Nicaraguan Government to use the prestige of the Court for its own purposes, as is happening here, is not an isolated incident. The same goal was pursued in the suit brought before the Court, that lofty and honourable tribunal, by the Nicaraguan Government against Honduras and Costa Rica when it alleged that both countries were involved in activities which in fact originated in and occurred within Nicaraguan territory and were carried out by Nicaraguans prompted to act by the policies adopted by that country's régime, which has brought upon itself internal popular discontent, as reflected in the emergence of insurgent groups.

The propagandist purpose of the Nicaraguan Government was particularly transparent in its activities involving the International Court of Justice when it brought before the Court a suit involving my country, notwithstanding its full awareness of the fact that in our case the Court has no competence to address such a matter pursuant to the prior reservation made by my country on 22 May 1986, completely unaware that Nicaragua was planning such action. That reservation was deposited with the Secretary-General and is noted in the memorandum submitted by the Court to the General Assembly.

(Mr. Martinez Ordoñez, Honduras)

My Government does not merely disagree with the use of the Court for propagandistic purposes by any particular country, whatever one it may be; in the specific case of Nicaragua, it condemns this attitude because it represents a further stumbling block placed by that Government in the way of the peace process in Central America.

It cannot have escaped the notice of the members of the Council that all the Governments and peoples of Central America have, with reason, pinned their hopes for peace and security to the Contadora process, which was organized out of brotherly concern and with full international support by Governments which historically and traditionally are our brothers. It is this fact which makes the activities of the Sandinista Government all the more reprehensible, because that Government is committed, as are all Central American Governments, to keep our differences within the bounds of civilized dialogue within the Contadora process, which offers real prospects for a settlement. In resorting to other bodies, the Sandinista Government is impeding that process and, for purely propagandistic purposes, has gone so far as to damage the prestige of the highest Court in the world.

Referring to this item in his statement to the General Assembly at the present session, the Foreign Minister of the Republic of Honduras, Mr. Carlos Lopez Contreras, stated:

"We must, however, eliminate the impediments to fluidity in diplomatic activity, since such activity is inconsistent with Nicaragua's continued improper recourse to the highest international jurisdictional organ, make a mockery of the Contadora initiative and the prospects for a political solution of the crisis in Central America. ...

"Honduras, with a high sense of responsibility, has designated its agent before the Court. However, my Government wishes to stress that the true

(Mr. Martinez Ordoñez, Honduras)

origin of the situation about which the Government of Nicaragua is complaining can be found in internal political developments in Nicaragua itself."

(A/41/PV.28, p. 37)

Members can see, from what I have said here, that the sole aim of my statement is to alert the members of the Council to the fact that by jeopardizing the important peace process in Central America the Sandinista Government is using the Council as it has attempted to use the International Court of Justice, in order to project an image which does not reflect the facts experienced by its people, which has to a considerable degree declared itself in rebellion against that Government. It is the view of my Government that in one way or another the Council should put an end to this kind of activity.

The PRESIDENT (interpretation from Arabic): I thank the representative of Honduras for his kind words addressed to me.

The next speaker is the representative of Guatemala. I invite him to take place at the Council table and to make his statement.

Mr. ANDRADE DIAZ DURAN (Guatemala) (interpretation from Spanish):

Mr. President, I should like to begin my statement by wishing you every success in your office. I wish to express the appreciation of the Guatemalan delegation for this opportunity to address the Council on the question of the crisis in Central America, which is a matter of the utmost concern to us.

Like the other countries in Central America, Guatemala is affected by any problem arising in the region. This is so not merely because of the traditional links among us, but also because we cannot and must not shirk our responsibility with respect to the grave crisis which has arisen in recent years and which is becoming even worse.

Central America was once a single country, and despite many historical vicissitudes, we are very aware of our unity and of the vital need to work together

(Mr. Andrade Diaz Duran,
Guatemala)

effectively in all fields. For Guatemala our solidarity and co-operation with the other nations of Central America is a rule of conduct.

Guatemala tailors its foreign policy to the fulfilment of the generally accepted principles and standards which govern the international community. In this way we express our support for the United Nations Charter, which clearly spells out the procedures and forums for ensuring the maintenance of peace and harmonious coexistence among nations, which is one of the primary purposes of this Organization.

To facilitate the fulfilment of the provisions of the Charter, it is vital that States act not merely in good faith but also that they clearly demonstrate their political will and undertake to comply with the resolutions and decisions of United Nations organs.

This must be so, since otherwise the result would be disorder and anarchy and we would be provoking situations in which resort to force would negate the rule of law. The problem in Central America is very complex and should be studied and resolved in the light of all its many ramifications. We are well aware that there are difficulties of various types and that partial solutions, or attempts to deal only with certain aspects could delay a final solution.

Guatemala calls for dialogue, for diplomatic and political negotiations, and for agreements to resolve the question in a comprehensive manner. We reject any fait accompli solution, and we consider extremely dangerous the possibility of a generalized armed confrontation, which would have catastrophic and unforeseeable results.

Guatemala is still pursuing, as always, a policy of active neutrality, since it considers that this is how it can best contribute to the restoration of peace, to reconciliation, and to the establishment of conditions that will facilitate

(Mr. Andrade Diaz Duran,
Guatemala)

Central American integration and the development of our peoples. This position of neutrality is in accordance with our traditional approach of not intervening in any situation of friction or confrontation that may arise, since we cannot favour one side at the expense of the other.

We maintain a balanced and equidistant position and we seek to suggest options which could help in arriving at or facilitating understanding. In other words, there is no question of maintaining a passive attitude involving inactivity; far from it, we are totally committed to any action that could lead to a lessening of tension and to lasting peace.

Since Mr. Vinicio Cerezo assumed the office of President of the Republic, Guatemala has fostered a number of initiatives directed to finding effective solutions to the various problems of our sub-region. At the outset the proposal was made to establish a Central American Parliament, which could act as the appropriate forum for the discussion of the problems peculiar to Central America, and which could produce proposals to promote the integration and the political, economic and social development of our five countries.

(Mr. Andrade Diaz Duran,
Guatemala)

The initiative of the democratic Government of Guatemala has received a favourable response from all the Central American Governments, which at the highest level established a commission to study the proposal and to report to the respective Presidents in the months to come. This positive attitude was underscored at the meeting of our Presidents held in May in la Villa de Esquipulas, in Guatemala. There can be no doubt that that historic gathering of Heads of Government made it possible to have a forthright and objective study of the situation in the area and facilitated contacts of a personal nature, which would help in overcoming misunderstandings and reconciling differences of various kinds.

The five Presidents reaffirmed the political will of their Governments to continue the negotiations which the Contadora Group has been sponsoring for practically four years. They once again reiterated their recognition of the creative mediation work carried out by Colombia, Mexico, Venezuela and Panama, which has been strengthened by the work of the Support Group.

It is appropriate to recall that thanks to Contadora the countries of Central America adopted by consensus the Document of Objectives, which spells out guidelines for finding permanent solutions in the political, security, economic and social fields. There can be no doubt that the efforts of the Contadora Group and of the Support Group have borne fruit. We must acknowledge the creativity and objectivity of the proposals they have made. This genuinely Latin American peace proposal has also merited the support and recognition of the international community. Guatemala considers it appropriate on this occasion to re-emphasize again its unconditional support for these good offices. President Vinicio Cerezo, concerned over the deadlock that has developed in recent months in the mediation process, took the decision to send the Minister for External Affairs, together with his Deputy Minister, on a tour of the countries of Central America in order to

(Mr. Andrade Díaz Duran,
Guatemala)

explore the possibilities of a resumption of consultations and negotiations so that work could continue with the objective of achieving agreement through the Act on Peace and Co-operation, which has been presented for our consideration. Those Guatemalan officials are currently visiting Central American countries to that end. In this way Guatemala wishes once again to emphasize the need to maintain open dialogue facilitating permanent and fluid communications which could lead us to broad understanding. Above all we need the political will of the Central American Governments and of those other nations which have legitimate interests in the region. In view of the circumstances, it is more important now than ever to maintain a flexible and realistic attitude. It should be recalled that in order to be successful any negotiations require concessions on both sides, and we consider that we must all be prepared to make certain sacrifices which, without prejudice to our sovereignty, could produce lasting results.

If we are convinced that we can reach an understanding at the regional level, we should also be prepared to encourage and consolidate the processes of internal reconciliation in each and every one of our countries. This means dialogue with all representative sectors and authentic consultation of the populations through free elections guaranteeing democratic governments. It also means pluralism, respect for human rights and fundamental freedoms of the individual; because, while we might proclaim respect for the fundamental principles of international law, such as non-intervention in the internal affairs of other States and the self-determination of peoples, we must also recall that the peoples determine their own future when they can express themselves freely without limitations of any kind.

Over and above the rhetoric and demagogy, we Central Americans must show that we are prepared to take the measures that the circumstances require for restoring peace and ensuring a better future for our peoples. We must advance simultaneously

(Mr. Andrade Diaz Duran,
Guatemala)

and in parallel with the various aspects of the negotiations: security, politics and economic and social considerations. Guatemala once again is prepared to do its utmost to find a peaceful solution in Central America. We are very mindful of the existence of a series of factors of external origin which directly or indirectly hamper our task. To ignore the existence of such factors would be to deceive ourselves, but we must also be sure that the final, definitive decisions are taken solely and exclusively by the Central Americans. We shall fashion our future by preserving peace, consolidating democracy, encouraging development and always acting with justice and equity.

The PRESIDENT (interpretation from Arabic): I thank the representative of Guatemala for his kind words addressed to me.

The next speaker is the representative of the Syrian Arab Republic, whom I invite to take a place at the Council table and to make a statement.

Mr. AL-ATASSI (Syrian Arab Republic) (interpretation from Arabic):

Mr. President, first I wish to convey to you, the representative of a fraternal country, the United Arab Emirates, my sincerest congratulations on your assumption of the duty of presiding over the work of the Security Council for this month. Your skill and wisdom will undoubtedly enable you to bring the work of the Council to the desired culmination. I should like also to express to Ambassador Belonogov my delegation's appreciation for the great skill he demonstrated during his conduct of the work of the Council last month.

The Council is meeting today to consider the complaint by the Government of Nicaragua against the United States and its request that the Government of that country comply with the judgement of the International Court of Justice handed down in June of this year. While it is true that today's complaint has been presented

(Mr. Al-Atassi, Syrian Arab
Republic)

by the Government of Nicaragua against the United States, this complaint is not really confined to the conflict between the United States and Nicaragua. In actual fact this complaint relates to the obligation on the part of Member States to abide by the judgements of the highest international judicial authority, that is, the International Court of Justice.

We have heard the statement made by the Minister for Foreign Affairs of Nicaragua in the Council. That statement was quite clear. In it he asked that members of the Council abide by their responsibilities and that the United States carry out the judgement of the Court.

(Mr. Al-Atassi, Syrian
Arab Republic)

We should like to stress the principles of respect for State sovereignty and territorial integrity and non-interference in the internal affairs of States, all principles contained in the United Nations Charter. Furthermore, any State is entitled to select its own socio-economic system. The acts perpetrated by the United States against Nicaragua, acts noted by the International Court of Justice in their judgement, as well as other practices, such as the support given to mercenaries, supplying them with arms and money, all those acts are a threat to the peace and security of Nicaragua and deserve to be reproved. The right of Nicaragua to live in peace, free from any foreign interference, is a legitimate one, guaranteed by the United Nations Charter and by the principles of international law, as well as all international laws and customs. The claim that Nicaragua is threatening the United States and is a threat to that country is devoid of any foundation. It is simply a pretext to justify the threat of force and consequently the actual use of force. The argument of self-defence invoked by the United States Administration before this Council is a false one which can convince no one. Its arguments and justifications have simply become part of the pretext constantly invoked by the United States to disguise the fact that they are displeased with States which conduct an independent policy and demonstrate a clear will to resist any foreign interference.

The Eighth Conference of Heads of State or Government of Non-Aligned Countries, held in Harare in September 1986, reiterated in paragraphs 229 and 230 of its political declaration their call to the United States to comply with the decision of the International Court of Justice delivered on 27 June 1986, especially the findings of the Court that the United States, by its many hostile acts against Nicaragua had violated international law and that it was under a duty immediately to cease and to refrain from all such acts.

(Mr. Al-Atassi, Syrian
Arab Republic)

The declaration also expressed its support for the diplomatic efforts of the Contadora Group aimed at securing a negotiated solution to the crisis in Central America.

How many times have we heard the representatives of Nicaragua, speaking in the Security Council, express their desire to reach a peaceful solution to the problem of Central America without any foreign interference? How many times have these representatives expressed their readiness to initiate a dialogue with the United States in order to lay a sound foundation for a lasting and stable peace in that part of the world? Unfortunately, the other party has persisted in its policy, which is designed to frustrate any efforts to reach a negotiated solution to the crisis in Central America. That policy likewise strikes a blow against those efforts which constitute a genuine political initiative aimed at reaching a solution to the problem of Central America. My country considers that the efforts being of the Contadora Group to reach a solution in Central America are essential. Both parties should hasten to resume their dialogue so that stability can be restored to that country.

We also believe that those are very important steps leading to an easing of the tense situation. The text of Article 94 of the Charter is clear. It is possible to resort to the Security Council when a Member fails to abide by a judgement of the International Court of Justice. The Council therefore should decide on what steps should be taken to ensure that that judgement is executed.

We urge the members of the Council to assume their full responsibilities to defend international legality and to constrain the United States to comply with the judgement handed down by the International Court of Justice.

The PRESIDENT: I thank the representative of the Syrian Arab Republic for his kind words addressed to me.

(The President)

The next speaker inscribed on my list is the representative of Democratic Yemen. I invite him to take a seat at the Council table and to make his statement.

Mr. Al-ASHTAL (Democratic Yemen) (interpretation from Arabic): We feel particularly pleased to see you, Sir, presiding over the deliberations of the Security Council. This is because you represent a fraternal country with which we enjoy close relations. Indeed the high qualities which you have shown during the time we have known you confirm in concrete terms that since you have assumed the presidency of this Council you have proved yourself worthy of the responsibilities entrusted to you.

We should also like to avail ourselves of this opportunity to express our gratitude to Mr. Belonogov of the Soviet Union, who conducted the work of the Security Council last month with great skill and ability. This confirms his great experience in the diplomatic field.

Once again, and in less than three months, the Security Council is seized of new complaints submitted by the Government of Nicaragua against a series of acts of aggression and threats by the American Administration. A few days ago we listened to a statement by the Foreign Minister of Nicaragua in which he presented a clear and factual exposé of the situation the Government of Nicaragua is facing regarding the dangers emanating from those acts of aggression. He confirmed his Government's continuous efforts to solve the dispute by peaceful means in accordance with the principles of the United Nations. Those efforts undoubtedly enhance the credibility of the United Nations, particularly the Security Council, which is the international instrument for the maintenance of international peace and security.

Those acts of aggression have been widely condemned by the States which participated in those discussions, and by other States. This is because the American Administration has not complied with the judgement of the International

(Mr. Al-Ashtal, Democratic Yemen).

Court of Justice. On the contrary it has increased its interference in the internal affairs of Nicaragua as reflected in its support for the contras and its escalation of its activities aimed at overthrowing the political system in Nicaragua. Those actions are in contravention of the United Nations Charter and the principles of international law, and obstruct the efforts of the Contadora Group and the Support Group, which are attempting to establish peace and stability in Central America. Moreover, it would lead to increased tension in the region. Nicaragua's demand reminds us of the Security Council's great responsibility to put an end to the acts of aggression and the threats faced by Nicaragua. It is important to take into account certain facts which could be summarized as follows:

First, Nicaragua is a small country and a Member of the United Nations. It has submitted its complaint against the United States of America to the International Court of Justice, which was established by the international community to settle disputes submitted to it in accordance with international law. This procedure was in accordance with Chapter VI of the United Nations Charter related to the pacific settlement of disputes and with other relevant provisions in the Statute of the International Court of Justice.

Secondly, the International Court of Justice has rendered a decision to the effect that the United States of America has violated its obligations under international law, concerning non-interference in the internal affairs of other countries, non-use of force, violation of national sovereignty and obstruction of peaceful maritime navigation.

(Mr. Al-Ashtal, Democratic Yemen)

The Court found that the United States, by training, arming and financing the mercenaries and by supporting subversive acts, was committing aggression against Nicaragua, in contravention of the principles of international law.

Thirdly, the negative United States position in regard to the judgement of the International Court of Justice is contrary to the position of Central America, especially the Panama Message regarding the creation of the appropriate conditions for the continuation of the peace process in Central America. It also obstructs the efforts of the Contadora Group - which enjoys the support of the international community - by making it impossible to achieve a peaceful and comprehensive political settlement to all the problems and differences in the Central American region.

Fourthly, the United States, a permanent member of the Security Council which shoulders a particular responsibility under the United Nations Charter in regard to the maintenance of international peace and security, persists in rejecting the judgement of the International Court of Justice and refusing to join in the international consensus on the need to solve the problems of Central America peacefully. On the contrary, it resorts to the use of force and the threat of the use of force and continues its intervention in Nicaragua's internal affairs.

Democratic Yemen once again condemns the aggressive policies and practices aimed at violating Nicaragua's sovereignty and independence and threatening international peace and security. Democratic Yemen calls upon the Security Council to express again its solidarity with the people and Government of Nicaragua and to prevail upon the United States to accept the judgement of the International Court of Justice, so that a deterioration of the situation in Central America may be averted and the peoples of the region may be given the possibility of living in peace and stability.

(Mr. Al-Ashtal, Democratic Yemen)

The appeal to the United States to respect the decisions of the International Court of Justice and to put an end to its plans for endangering the peace and security of Nicaraguan territory reflects the aspirations of the international community to preserve international peace and security. It would facilitate the efforts to establish peace and security in Central America.

The use or threat to use force and interference in the internal affairs of States are violations of international law and the purposes of the United Nations Charter and, moreover, could have consequences at variance with our aspirations.

The PRESIDENT (interpretation from Arabic): I thank the representative of Democratic Yemen for the kind words he addressed to me.

The next speaker is the representative of the Islamic Republic of Iran. I invite him to take a place at the Council table and to make his statement.

Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): We are in the final days of this month, Sir, and your presidency of the Security Council is therefore coming to an end. I believe that you have guided the Council's affairs extremely efficiently and skilfully - indeed in a masterly way. Although, as I have said, it is the end of the month and the end of your term of office, I should like - since this is the first time I have spoken this month in the Council - to congratulate you on your presidency and on the successful record you will leave behind you.

I wish also to offer my sincere compliments and appreciation to your predecessor, Ambassador Belonogov of the Union of Soviet Socialist Republics, who guided the Council's affairs extremely well, in a very commendable manner, last month.

After the United Nations Charter had been drafted, 41 years ago, all those who signed it - both the pioneers who were actively involved in the early, preparatory stages of the Organization and also those who were anxiously waiting for the genie

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Republic of Iran)

to come out of the bottle - were absolutely certain that the promises of happiness, tranquility and international peace and security for the Member States could be fulfilled only if law and order prevailed over the entire network of international relations. To its signatories, the United Nations Charter was the legal foundation for such an orderly pattern of administering international relations. In the absence of a law enforcement agency for international law, it was also obvious that respect for and credibility in the Organization depended upon the sincerity, goodwill and real moral commitment of the Member States, or - to put it a better way - upon the degree of accommodation that Member States would show in rejecting parochial short-sightedness in favour of a functional and universally respected international system.

In that regard, the attitude of the permanent members of the Security Council towards the role of the Organization is of great significance. Respect for the judgements of the International Court of Justice in particular and for international law in general is of crucial importance. Regrettably, however, the Government of the United States is the best example of violators of international law as well as the decisions of the International Court of Justice. The principles of the United Nations Charter - such as non-aggression, non-intervention and the non-use of force - have been repeatedly violated by the United States Government. Overt and covert operations against Nicaragua are just one case among many of the violation of international law by the United States Administration. Agents of the Central Intelligence Agency (CIA) are all over the place, and the United States is not embarrassed at all when agents of its illegal interventions in other countries are captured.

The basic question here, therefore, is not the filing of a complaint against the United States Government in The Hague or in the Security Council: the basic

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Republic of Iran)

question is whether, with that kind of attitude, there is really any future for international law or for the Organization.

The signatories of the United Nations Charter joined the Organization because of their sincere and honest respect for international peace and the common happiness of all nations, and also because of their understanding that the Organization would function effectively and with the co-operation of all Member States. They hoped that aggression would, as the Charter contemplated, be suppressed - not unethically condoned - and that the principles of the Charter and other instruments of international law would be implemented not on a selective basis but impartially and comprehensively, and not for the protection of certain short-sighted interests.

(Mr. Rajaie-Khorassani, Islamic
Republic of Iran)

They expected honest and consistent functioning of the Security Council, in defence of the invaded victims against whom war has been waged, and not for the protection of aggressor criminal clients. The Charter was written in order to free the victimized nations that were fighting back from the burden of sacrificing their lives and property in order to regain their rights.

Honesty, beauty and peace will ultimately overcome treachery, ugliness and turmoil, and future generations who read the records of our so-called Security Council will discover facts which in our day are ignored, buried or even deliberately and cleverly concealed behind the masks of arrogance and self-deceit.

We think that present United States policies and attitudes are registering a very unhealthy precedent, which further cripples the Organization. It is therefore important to stand firmly against present United States policies towards Nicaragua, not simply for the sake of Nicaragua but also, and more importantly, for the sake of principles. We believe that some members of this Council must finally make the choice of rescuing the Organization from becoming a toy in the hands of some irresponsible members.

As for the United States officials, it is important to remember that the existence of this Organization depends upon the sincere efforts of those who are struggling to control and stop present United States policies and practices and not upon the selfish and irresponsible actions of the United States Government. This must convince the United States officials that they are on the wrong side and that they have no option but to review their policies and conduct themselves accordingly.

As for their differences with their neighbours, they must remember that all nations of the world are experimenting with what they think is right for themselves. Those who experiment, experiment on themselves while the results of

(Mr. Rajaie-Khorassani, Islamic
Republic of Iran)

their experiments belong to the entire human family. The United States must therefore give the Nicaraguan people a chance to choose a system of their own liking and to experiment for themselves and on themselves, as is the right of every nation. Let them exercise their basic right to sovereignty and self-determination. Let them try the solution which they have found for their own problems. They know about American democracy that is being imposed upon some of their neighbours. They know also about the advantages and disadvantages of the Somoza régime and they have therefore made up their minds to exercise and experiment with a democracy of their own finding, and not necessarily with an American type of democracy. Let them carry it out and enrich our collective experience with the results of their own efforts and sacrifices.

We therefore urge the United States Government to resolve its differences with the countries of the region peacefully and constructively. We urge the United States to recognize the right of the people of Nicaragua to choose their system of Government freely and without any outside coercion.

Today the issue before the Council is a simple one, but the decision which the Council will make is of very great importance to the whole Organization. My delegation has been following the consultations and negotiations relating to the draft resolution which has been submitted and we know, very sadly, how the victimized nations are pressured to make concessions simply because their adversary is an arrogant Power and a permanent member of this body. The entire body of the United Nations, whose fortieth anniversary we recently celebrated and to whose International Year of Peace lip service is being paid in the General Assembly, along with its 158 legitimate members, is waiting to see how the Security Council will treat the International Court of Justice. The international community should

(Mr. Rajale-Khorassani, Islamic
Republic of Iran)

condemn the illegal actions and irresponsible practices and policies of a permanent member of this Council towards its neighbour. The Council's decision will soon demonstrate whether its present members are going to destroy the United Nations or to revive, refresh and energize the Organization. Members of the Council, you have the choice. Please proceed.

The PRESIDENT (interpretation from Arabic): I thank the representative of the Islamic Republic of Iran for the kind words he addressed to me.

Members of the Council now have before them a draft resolution submitted by the delegations of Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates (S/18428).

It is my understanding that the Council is ready to proceed to vote on the draft resolution.

Sir John THOMSON (United Kingdom): I wish to make a procedural point to which my delegation attaches much importance. We are ready to vote now on the draft resolution, but I must observe that the document was circulated in provisional form for the first time after this Council sat down this afternoon.

There is nothing in our provisional rules of procedure which states exactly what the relationship should be between the circulation of documents and the voting upon them, but it has been the custom of this Council, as a matter of courtesy, to allow a decent period - which is usually taken to be approximately 24 hours - between the circulation of draft resolutions and the voting on them. I think that is a good practice. It is not to be taken as an invariable practice. There could, of course, be many and urgent cases when we should have to vote more rapidly, but I should not like it to be thought that we were slipping away from the normal practice to another practice which I think could lead to inconvenience and in some cases to unnecessary controversy.

(Sir John Thomson, United Kingdom)

As I say, I am ready to vote this afternoon, because there has been a lot of consultation and now that I read, for the first time, this provisional text I do find that it is congruent with documents that I have seen before. But in principle I hope that we shall normally have a longer period between the circulation of a document and the voting on it.

The PRESIDENT (interpretation from Arabic): Unless I hear any objection, I shall put the draft resolution to the vote now. There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make a statement before the voting.

Mr. KASEMSRI (Thailand): My delegation has already conveyed before the General Assembly Thailand's deep condolences at the tragic death of President Samora Moises Machel of the People's Republic of Mozambique and members of his party, to the Government and people of Mozambique and to the bereaved families. I should like to reiterate same for the record of the Security Council.

Furthermore, regarding the recent earthquake in El Salvador, my delegation wishes to repeat for the record of the Council Thailand's sentiments of sympathy for the affected Central American Government and nation.

At the Council meeting last July on this matter, my delegation reaffirmed Thailand's adherence to the provisions of the Charter and the rules of international law in the conduct of its relations with other States. Moreover, it firmly believes in the peaceful settlement of disputes and the principle of non-interference in the internal affairs of other States. With respect to the situation in Central America, my delegation wishes to reiterate its conviction that the States of the region should refrain from any threat or use of force against the sovereignty or territorial integrity of a neighbouring State. In this regard, the Contadora peace efforts should obtain the full support of all countries. It is also the right of all States to choose their own political, economic and social systems, free from outside interference.

Article 94, paragraph 1, of the Charter contains a solemn undertaking by every States Member of the United Nations to comply with the decision of the International Court of Justice "in any case to which it is a party".

(Mr. Kasemsri, Thailand)

Although the United States takes the position that the Court does not have any competence or jurisdiction, it is a fact that in the determination of the Court the United States was considered a party to the case in question.

However, Article 94, paragraph 2, of the Charter states that:

"If any party to a case fails to perform the obligations incumbent upon it under a Judgment rendered by the Court, the other party may have recourse to the Security Council."

Nicaragua has relied on this paragraph in requesting the Council to convene this meeting. However, in convening it the Council does not ipso facto recognize that a party has indeed failed to perform "the obligations incumbent upon it" under the judgement cited in this instance.

Moreover, the Council is faced with a dilemma explicit in paragraph 2 of Article 94, which is that the Council may make recommendations or decide upon measures under this provision only if it considers that a party has failed to perform its obligations under a judgement of the Court, a determination which is intrinsically legal in nature. This may be one of the reasons why this Article had not been invoked heretofore.

The Council's initial concern should be to assist by practical means the process of achieving a peaceful settlement of the problem, bearing in mind its implications on the peace and security of all the countries in Central America. The judgement of 27 June 1986 may constitute a central pillar, but is not necessarily the only one needed to support possible action by the Council. There are certain legal principles, particularly the principle of non-intervention, which are generally recognized and are valid, with or without any elaboration by the Court. Indeed, the Court recognized these principles as customary international law. At this stage, my delegation believes it to be more constructive for the

(Mr. Kasemsri, Thailand)

Council to attempt practical measures to assist the Contadora and the Lima Support Groups which have not given up their peace initiatives; nor have the Central American States themselves given up their own efforts. Therefore, without having to rely on Article 94, the Council can still play a useful role at this juncture. On the other hand, over-reliance on Article 94, at this stage, will prove to be counter-productive.

To enhance its effectiveness in maintaining international peace and security, the Security Council should look for practical measures to bring about the desired results, especially in view of the fact that it had recently failed to adopt a draft resolution on a similar subject.

Despite the understandable feelings of futility in some quarters, my delegation would prefer to see the Council work more closely with the regional members, the Contadora States and their Support Group, in order to help restore peace and harmony to the Central American region.

In view of the foregoing, my delegation finds that the draft resolution in document S/18428, based as it is on Article 94, poses an unresolved dilemma for the Council, which, in the opinion of my delegation, could have been asked to take more appropriate action in pursuit of a peaceful settlement, in order to bring an end to the dangerous political conflict and military hostilities in Central America. It is with regret, therefore, that my delegation will abstain on the draft resolution.

Mr. WALTERS (United States of America): The United States will vote against the present draft resolution for essentially the same reason that it voted against the previous draft resolution on the same subject in July. This draft resolution will not contribute to a peaceful and just settlement of the situation in Central America within the framework of international law and the Charter of the United Nations.

(Mr. Walters, United States)

We have heard States here which do not accept themselves the compulsory jurisdiction of the International Court of Justice denounce the United States for not accepting that which they themselves do not accept.

What is at stake here is most emphatically not simply a legal question, despite Nicaragua's strenuous efforts to pretend otherwise. We cannot sidestep the reality of the situation in Central America by hiding behind a decision of the International Court of Justice, much less a decision that the Court had neither the jurisdiction nor competence to render. It does not suffice to claim, as some have done, that the Court must have had jurisdiction, because Article 36, paragraph 6, of its Statute says that the Court may decide disputes concerning that jurisdiction.

(Mr. Walters, United States)

But no Court, not even the International Court of Justice, has the legal power to assert jurisdiction where no basis exists for that jurisdiction. The language and negotiating history of the Charter of the United Nations and the International Court of Justice, as well as the consistent interpretation of those instruments by the Court, this Council, and Member States, make abundantly clear that the Court's claim of jurisdiction and competence in the Nicaragua case was without foundation in law or fact. The arguments to this effect presented by the United States during the earlier phases of the case are all a matter of public record and need not be repeated here. It is enough to say that approval by the Council of a resolution that simply ignores these fatal defects in Nicaragua's position before this Council will not serve the cause of peace in Central America.

The draft resolution which is before us does not focus on the real issues of the conflict. As I have stated in the past, the United States is prepared to support a resolution which makes a genuine contribution to peace in Central America. However, the present draft does not do so. The draft resolution takes no note of Nicaragua's own responsibility for the current situation in that troubled region. Instead, it seeks to present, in the guise of support for the 27 June decision of the International Court of Justice, a one-sided picture of the situation in Central America. It attempts to portray a false image of this situation as merely a conflict between Nicaragua and the United States. My Government, the people of Central America, and the Sandinistas themselves know that this is not the case. The Sandinista Government is responsible for the crisis. It has waged a conflict with its own people whose revolution it has betrayed. It has waged a conflict with the Governments of its neighbours, all of whom it has sought to subvert.

(Mr. Walters, United States)

In previous statements to this Council I have elaborated on the way the Sandinistas have betrayed the Nicaraguan revolution and how they have oppressed the Nicaraguan people. One key issue is worth emphasizing, however. Two of the essential points of the Contadora Document of Objectives are national reconciliation and democratization. The Sandinistas agreed in principle to both of these goals when they signed the Document of Objectives in September 1983. Yet throughout the more than three years since that time, they have been intransigent in refusing any dialogue with their opposition which could result in true national reconciliation and democratization.

In dramatic contrast, the United Nicaraguan Opposition on 23 October reiterated its support for the 30 January proposal of the six opposition political parties for a dialogue looking to the cessation of hostilities, a general amnesty, an ending to the state of emergency and the production of a new electoral law leading to general elections. As a token of its good faith, the forces of the United Nicaraguan Opposition observed the historic call by Pope John Paul II for a day of prayer and peace on 27 October in yet another attempt to develop a proper climate for national reconciliation.

What about Nicaragua's neighbours? If Nicaragua really wants peace with its neighbours why has it amassed the largest army in the history of Central America and equipped it with an arsenal of sophisticated Soviet weapons unprecedented in this region? The Sandinistas would like us to believe that they are willing to sign the latest Contadora Draft Act but in fact they have insisted that arms negotiations within the context of Contadora be based exclusively on 14 categories of arms. A look at the Sandinista proposal reveals the extent of the duplicity. Their arms proposal would have virtually no impact on their enormous army. For example: they have received dozens of 122 millimetre multiple rocket launchers,

(Mr. Walters, United States)

so they propose to limit only rockets larger than 122 millimetres; they have received large numbers of 120 millimetre mortars, so they propose to limit only mortars larger than 120 millimetres; they have received scores of towed artillery pieces of up to 152 millimetres, so they propose to limit only self-propelled artillery and artillery of more than 160 millimetres; they have received large quantities of towed anti-aircraft guns, so they propose to limit only self-propelled anti-aircraft guns.

So it goes down this list of arms. Most of the weapons the Sandinistas have said that they might be willing to discuss are items they do not have. They have made quite clear that they would refuse to consider placing any limits on the size of their huge army.

My Government strongly favours a negotiated political solution in Central America. My Government has consistently supported the members of the Contadora process in their efforts to produce a regional settlement. My Government would abide by an agreement that achieved a comprehensive, verifiable and simultaneous implementation of the 1983 Contadora Document of Objectives.

Regrettably, the Sandinista régime has just as consistently blocked the efforts of the Contadora countries to find a formula for peace. In this connection, it is significant that the draft resolution before us today does not even refer to the Contadora process, the only widely-accepted avenue for achieving peace through negotiations.

Nicaragua would like to have us all believe that it has displayed flexibility during the Contadora-inspired negotiating process. The Sandinistas seem to assume that we have very short memories. They seem to believe that we have forgotten the many occasions on which they have obstructed the peace process. Last year, for example, they called for a six-month delay in negotiations. Furthermore, at the

(Mr. Walters, United States)

1986 April Contadora meeting, the Nicaraguan Foreign Minister's refusal to accept the approach advocated by the Contadora and Support Groups, as well as by the four Central American democracies was responsible for preventing any progress in the negotiations.

Nicaragua would also like us to believe that it is willing to sign the latest Contadora draft agreement. However, the terms that it has set for doing so have been and are unacceptable to the Central American democracies. Nicaragua knows this and yet refuses to compromise.

In July and again last week, I asked the Nicaraguan representative some very basic questions about Sandinista intentions towards their own people and towards their neighbours. Despite the frequent opportunities granted by this Council to them to make their case here, Nicaragua's representatives still refuse to answer.

Let me try to provide these answers. The Sandinista régime should sit down at the bargaining table with all members of the democratic opposition and negotiate a programme in which the people of Nicaragua can choose in free and fair elections their leaders and the type of government they want. They should end their aggression against their neighbours and negotiate seriously to restore regional peace. This is the road to peace in the region.

Mr. LI Luye (China) (interpretation from Chinese): The Chinese delegation remains deeply concerned about the tension in the Central American region. It holds that the basis for the settlement of the Central American question is to be found in the elimination of interference by all outside forces and in respect for the State sovereignty, independence and territorial integrity of all countries in Central America. Interference and infiltration of whatever form in respect of the Central American countries will only aggravate existing tensions

(Mr. Li Luye, China)

and unrest and further complicate the problem. China is of the view that problems between the Central American countries and problems between Nicaragua and the United States should be settled peacefully through consultations on an equal footing and in compliance with the norms governing international relations and the relevant principles in the United Nations Charter, and that the use or threat of force must not be resorted to. The judgement of the International Court of Justice in June this year should be respected by the countries concerned. Proceeding from this position, the Chinese delegation will vote in favour of the draft resolution.

The PRESIDENT (interpretation from Arabic): I put to the vote the draft resolution contained in document S/18428.

A vote was taken by show of hands.

In favour: Australia, Bulgaria, China, Congo, Denmark, Ghana, Madagascar, Trinidad and Tobago, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela

Against: United States of America

Abstaining: France, Thailand, United Kingdom of Great Britain and Northern Ireland

The PRESIDENT (interpretation from Arabic): The result of the voting is as follows: 11 votes in favour, 1 against and 3 abstentions. The draft resolution has not been adopted, owing to the negative vote of a permanent member of the Security Council.

I shall now call on those representatives who have asked to be allowed to make statements after the voting.

Mr. BIERRING (Denmark): When the Council met in July this year to discuss the dispute which was the subject of the judgement of the International Court of Justice of 27 June 1986 my delegation explained Denmark's position regarding the International Court of Justice. During that and previous Security Council debates we also made clear our views concerning the overall situation in Central America.

On this occasion, therefore, suffice it to say that Denmark remains convinced of the important role of the International Court of Justice in the peaceful settlement of disputes and of the necessity for Member States to accept the Court's verdicts. Denmark is one of the few countries in this body to have accepted the compulsory jurisdiction of the Court with no understandings or reservations of any kind. In our view, it would be appropriate if more Member States did likewise.

It is our firm belief in and support for the principles of international justice which the Court represents which led us to vote in favour of the draft

(Mr. Bierring, Denmark)

resolution which has just been voted upon. Indeed, these principles serve the very same goals as the founding fathers designed for this body - the maintenance of international peace and security and the development of friendly relations between nations.

Sir John THOMSON (United Kingdom): It is my Government's established position that we support international law and the authority of the Charter. We also fully support the International Court of Justice, and I note that my country is the only one of the five permanent members of the Council which accepts the compulsory jurisdiction of the Court.

Compliance by the parties with International Court of Justice decisions is a clear Charter obligation, but it is nothing less than presumptuous for the Government of Nicaragua, a régime which neither externally nor internally lives up to its obligations, to call for selective application of the Charter in this case. That is not respect for the Charter, but taking advantage of it for narrow political ends.

While we do not challenge the draft resolution on legal grounds, we are unable to support a draft resolution which fails to take account of the wider political factors and fails to acknowledge that Nicaragua has largely brought its troubles upon itself. My delegation therefore abstained.

Mr. de KEMOULARIA (France) (interpretation from French): My delegation has on many occasions expressed in the Council France's position on the situation prevailing in Central America. In particular, my country has constantly proclaimed its desire for a peaceful settlement of the conflicts in that area based on dialogue and leading to reconciliation. It is for this reason that we have given

(Mr. de Kemoularis, France)

and continue to give our support to the efforts of the four member countries of the Contadora Group. In that connection, we took particular note of the Declaration published on 1 October by the member countries of that Group and of its Support Group.

The French Government shares the anxiety of those countries over the growing tension in the region and the risk of its possible extension and escalation. We continue to hope that, despite the obstacles encountered, a comprehensive, satisfactory solution will finally be found in order to ensure peace and security in the region.

In this context, the French delegation would have liked the Council to be in a position to make a significant contribution to those efforts by unanimously adopting a draft resolution. However, the text before it contains, as did that which was considered on 31 July, questionable references to the judgement handed down on 27 June 1986 by the International Court of Justice, both on matters of substance and on the Court's role. It was for that reason that my delegation was once again obliged to abstain.

Mr. GBEDHO (Ghana): Let me make it absolutely clear that I have sought to speak, not in explanation of vote and not in exercise of the right of reply, but, rather, in exercise of my right as a member of the Council.

The Council has just failed to take a decision on a landmark case. This failure has been made possible by the use of the veto by a permanent member of the Council. That course of action is within the competence of the Council and legitimate, and we respect the decision so made. However, we cannot help but regret that the Council has been unable to act in favour of the judgement of the International Court of Justice and thereby underpin the Charter, particularly when in this 15-member Council Chamber the vote indicated 11 members in favour of the draft resolution, 1 against and 3 abstaining.

(Mr. Gbaho, Ghana)

This momentous decision has lessons for all, especially small and militarily insignificant countries such as mine. Our attachment to the idea of the United Nations and our involvement in it are profound, because the United Nations constitutes the underpinning of our own independence, sovereignty and national identity. Therefore, any development that undermines the existence and efficient functioning of the United Nations also undermines our own sovereignty. This view of international relations and the United Nations is shared by over 100 Member States of the Organization, which reiterated their concern and the concern of the non-aligned countries as a group for Central America in a Declaration adopted recently at a summit meeting in Harare.

(Mr. Gbeho, Ghana)

The decision taken today by the Council, which, I must repeat, is legal, is a paradigm of what could constitute regression unless we all act together and in good faith to contain the threat to international peace and security in Central America. In that regard, we renew our faith in the Contadora process in the hope that it will achieve a political settlement generally acceptable to all the parties concerned.

History teaches us that many forerunners of the United Nations came to grief because they failed to adhere to the principles and objectives that conditioned their existence and functioning. Indeed, the founding fathers of our United Nations profited from the lessons of the earlier misfortunes of other international bodies and therefore founded this Organization, in which the weak and the strong, the large and the small, and the rich and the poor, would not only be regarded as politically equal but would also have their sovereignty guaranteed through a scrupulous adherence to the Charter.

Today that guarantee eludes the complainant as, indeed, it eludes all of us, through the decision we have collectively made today. The Ghana delegation remains hopeful, however, that the collective wisdom, initiative, creativity and good faith of members of this Council, and indeed of the entire membership of the United Nations, can still be employed to promote peace and stability in Central America, to improve relations between the two parties to the present dispute, and to uphold the rules, principles and objectives of the United Nations. That is what we consider to be our duty on the Security Council and what we will work assiduously to attain.

The PRESIDENT (interpretation from Arabic): The representative of Nicaragua has asked to make a statement and I now call on her.

Mrs. ASTORGA GADDA (Nicaragua) (interpretation from Spanish): The Security Council was unable to adopt a resolution today due to the veto by the United States. Once again the United States, with its negative vote today, has worked against the Charter of the United Nations. It has ratified its determination to be an outlaw among States and has put itself above the international community. In vetoing the draft resolution which was submitted by the non-aligned nations in the Council and which was supported by 11 members of the Council, it has opted for the use of force in its international relations in order to change political will. Being a large and powerful State, a super-Power, it considers it has the right to crush smaller nations. It considers it has the right to set itself up as the sole judge of international relations. With this veto, it violates international law; with this veto it rejects the peaceful settlement of disputes.

Today we heard the representative of the United States, as in previous occasions, defend State terrorism, war, death and ignominy. This veto by the United States simply reconfirms the illegality and irresponsibility with which the United States governs its international relations.

Just as it assumes the right to decide on matters of life and death for peoples fighting for their independence, sovereignty and right to self-determination, the United States has prevented the Council from adopting a declaration of principles. In this debate it has called into question the validity of the Court's judgement and the respect that is due to its findings.

Nicaragua has the right and the duty to continue to use all the machinery of this Organization for the peaceful settlement of disputes in order to reaffirm the vital need to ensure respect for international law and to turn away from the law of

(Mrs. Astorga Gadea, Nicaragua)

the jungle in international relations. The fate of small nations is at stake and cannot be passed over in silence. After the veto, all that is left for me to do is to ask about the commitments which were freely and validly entered into by the United States when it subscribed to and ratified the Charter of the United Nations. What has become of international law and what has become of the prospects for peace and understanding between civilized countries?

The PRESIDENT (interpretation from Arabic): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 6.15 p.m.

