



Security Council

PROVIS IONAL

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**PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
SEVEN HUNDRED AND SEVENTEENTH MEETING**

Held at Headquarters, New York,
on Monday, 27 October 1986, at 3.30 p.m.

President: Mr. AL SHAALI (United Arab Emirates)

<u>Members:</u> Australia	Mr. WOOLCOTT
Bulgaria	Mr. TSVETKOV
China	Mr. LI Luye
Congo	Mr. GAYAMA
Denmark	Mr. BIERRING
France	Mr. de KEMOULARIA
Ghana	Mr. GBEHO
Madagascar	Mr. RABETAFIKA
Thailand	Mr. KASEMSRI
Trinidad and Tobago	Mr. ALLEYNE
Union of Soviet Socialist Republics	Mr. BELONOGOV
United Kingdom of Great Britain and Northern Ireland	Sir John THOMSON
United States of America	Mr. WALTERS
Venezuela	Mr. AGUILAR

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The meeting was called to order at 4.40 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; and I invite the representatives of Argentina, Cuba, India, Iraq, Mexico, Peru 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. Delpech (Argentina), Mr. Oramas Oliva (Cuba), Mr. Gharekhan (India), Mr. Kittani (Iraq), Mr. Moya Palencia (Mexico), Mr. Alzamora (Peru) 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 letters from the representatives of Algeria, Democratic Yemen, Guatemala, Honduras, Spain and the Syrian Arab Republic in which they request 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 those representatives 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. Djoudi (Algeria), Mr. Al-Ashtal (Democratic Yemen), Mr. Andrade (Guatemala), Mr. Martinez Ordonez (Honduras), Mr. Moran (Spain) and Mr. Al-Atassi (Syrian Arab Republic) took the places reserved for them at the side of the Council Chamber.

THE PRESIDENT (interpretation from Arabic): The Security Council will now resume its consideration of the item on its agenda.

I should like to draw the attention of members of the Council to document S/18419, which contains the text of a letter dated 21 October 1986 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General.

Mr. AGUILAR (Venezuela) (interpretation from Spanish): On this occasion we can make our statement briefer because of the fact that my delegation made a statement in this Council on 1 July 1986 in which we set forth with complete clarity the reasons, legal, political and ethical, underlying the position adopted by Venezuela with regard to the problems of Central America and in our statement before this body on 31 July 1986, on behalf of all the countries of the Contadora Group and of the Support Group, we recalled the most recent objectives and activities of that Latin American peace initiative. However, we cannot remain silent in view of the evident danger that the armed dispute in Central America may be extended and intensified, with all the risks that such a process would involve for the peace and security of the region and of the world.

We note with great concern that, in spite of the decision of the International Court of Justice of 27 June 1986 and in spite of the repeated appeals addressed by the Contadora Group and the Support Group, as well as by numerous States, to the parties directly or indirectly involved in the conflict, recent developments show that the idea still persists that peace in Central America can be attained by means of war. The Foreign Ministers of the Contadora Group and of the Support Group have already warned, in the statement they signed in New York on 1 October:

"The crisis in Central America is becoming more serious every day, and the risk of war is increasing.

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"Those who believe in a military solution are disregarding the true dimension of the problem. We wish to draw attention to what is at stake: expansion of the conflict, intensification of the confrontations, and war".

(S/18373, annex, p. 2)

Consequently we must once again emphasize the need for the most scrupulous compliance with the purposes and principles of the Charter, as well as with all its other provisions, and particularly with principles as fundamental to the international legal order as that of non-intervention in the internal affairs of other States and the peaceful settlement of international disputes. In the statement to which I have referred, that of 1 July 1986, at the 2694th meeting of this Council, we recalled, of course, that, thanks to the repeated efforts of the countries of Latin America, the principle of non-intervention had been enshrined quite explicitly in a variety of international instruments, including the charter of the Organization of American States, and the well-known fact that this principle, which today forms part of positive international law, both treaty law and customary law, is well rooted in the conscience of the peoples of Latin America.

In spite of the difficulties that have arisen on the path to peace, of which the countries of the Contadora Group and the Support Group are well aware, we continue to believe that peace is still possible in Central America, as the Foreign Ministers of the eight countries have stated in the introductory part of their eloquent and dramatic statement in New York on 1 October. As that document states:

"We remain firmly committed to peace, development and justice in Central America. We are fully aware that powerful interests oppose our efforts. War cannot be avoided if the protagonists want war.

"This war, however, is still not inevitable." (Ibid.)

The situation in Central America is a result of prolonged dictatorships, with the inevitable sequels of grave and systematic violations of the whole range of

(Mr. Aguilar, Venezuela)

human rights. Dictatorship, backwardness, social injustice - these have for a long time been the most appropriate terms with which to describe the situation prevailing in Central America.

What the Contadora Group is seeking now with the assistance of the Support Group, as is clearly set forth in such documents as the Caraballeda message, is true and lasting peace based on the friendship and co-operation among the peoples of the area, which history, geography and culture have created among them, and based upon their common allegiance to values and principles which are very dear to all the countries of Latin America, among them those of self-determination, non-intervention in the internal affairs of other States, territorial integrity, pluralistic democracy and respect for human rights.

(Mr. Aguilar, Venezuela)

With that aim in mind, it is naturally necessary to avoid anything that may contribute to creating mutual distrust - in particular, the presence of arms or military bases that may threaten peace and security in the region, military action by countries of the area or countries with interests there, the presence of foreign troops or advisers and political, logistic or military support for groups trying to subvert or destabilize the constitutional order of the States of Latin America by force or acts of terrorism of any kind.

We are fast approaching the second centenary of the independence of the countries of Latin America. The period since independence has not been easy. We achieved independence at a time when the rule of force still reigned supreme and the great Powers of the day dictated the norms of international behaviour. The victory of the Allied Powers in the Second World War and the creation of the United Nations fortunately ushered in a new era in international relations. Although the principle of the legal equality of States continues to be undermined by the privileged position enjoyed by the permanent members of the Council, the international community is becoming increasingly democratic, because in this Organization are represented, as never before in history, almost all the peoples of the world, and I am convinced that soon those that still suffer under the colonial yoke, oppression by minority or racist régimes or foreign occupation will come here to take the places that rightfully belong to them.

In this new international order there can be no room for attitudes more suited to other, fortunately bygone, times. What is necessary and right in our time is multilateral action, and within that framework the participation of regional groups in resolving disputes that primarily affect the countries of the region is particularly appropriate.

(Mr. Aguilar, Venezuela)

In their much-quoted New York Declaration of 1 October, the Foreign Ministers of the countries of the Contadora Group and of the Support Group expressed that idea very clearly, when they said:

"As Latin Americans, we request time to act, time to offer both sides a peaceful, just and lasting solution, a solution which is not easy to reach, but which can be promoted by taking a suitable approach, based on an understanding of the essential causes of the conflict and the belief that the fundamental interests of Latin America are at stake in Central America.

"As Latin Americans we wish to see pluralistic democracy and economic and social development make headway in Central America. We wish to demonstrate through practical deeds that our peoples can achieve peace, development and justice without external interference, in accordance with their own decisions and historical experience." (S/18373, p. 2)

In formulating this new appeal, in which we have deliberately sought to avoid any particular references and any comments about recent events, we are only fulfilling our commitment as members of the Security Council, Latin Americans and members of the Contadora Group to contribute to establishing a just and lasting peace in Central America.

Mr. BELONOGOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation believes Nicaragua's present appeal to the Security Council is well founded and very timely. The statement to the Council by the Foreign Minister of Nicaragua, Mr. Miguel D'Escoto Brockmann, cited alarming facts attesting to the escalation of illegal acts against his country. I am referring primarily to armed and other forms of interference in Nicaragua's internal affairs by the United States of America.

More than four years have passed since, at Nicaragua's request, the Security Council first considered the question of acts of aggression against that State. As

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the representative of India rightly commented at our last meeting, Nicaragua has now been forced 12 times to appeal to the Security Council in connection with the threat to its security. Throughout that period the United Nations has been a witness to the determination of that non-aligned State consistently to have recourse to the possibilities provided for in the Charter to defend its sovereignty and normalize the situation in the region. Nevertheless, the question of a hotbed of tension in Central America has become a constant fixture on the Organization's agenda.

The constant build-up of hostile acts against Nicaragua has caused the situation in Central America to become one of the most explosive in the world. The flames from that hotbed of tension have already engulfed thousands of human lives; they are affecting the destinies of many Latin American States and threatening international peace and security.

The concern of the overwhelming majority of States about the present situation in Nicaragua and Central America as a whole is well founded and natural, as has been demonstrated in the present discussion in the Council, and the situation in the region is continuing to deteriorate sharply.

A resounding note of alarm about the situation in Central America was heard in the Declaration by the Ministers for Foreign Affairs of the Contadora Group and the Support Group, published on 1 October, which said:

"The crisis in Central America is becoming more serious every day, and the risk of war is increasing.

"Those who believe in a military solution are disregarding the true dimension of the problem ... expansion of the conflict, intensification of the confrontations, and war." (S/18373, p. 2)

The Security Council has considered the situation in the region many times. Its resolutions have defined the major political bases for a just decision. There

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is surely no need to recall the provisions of resolutions 530 (1983) and 562 (1985), which clearly reaffirm the inalienable right of Nicaragua and other States to choose their own political and economic systems. At the same time, those resolutions call on all States to refrain from carrying out or supporting against any State in the region military actions that might impede the efforts of the Contadora Group.

On 27 June this year the major juridical body of our Organization, the International Court of Justice, after a comprehensive and careful consideration of the matter, made known its decision on the complaint by the Government of Nicaragua against the United States of America. The wording of its decision was unambiguous. It condemned the illegal actions against Nicaragua and, inter alia, decided that by training, arming and financing contra forces the United States was trampling underfoot the norms of international law. The Court also decided that the United States was under an obligation immediately to cease those acts and to make reparation for the damage caused.

(Mr. Belonogov, USSR)

The decision of the International Court of Justice was given a positive reception by the overwhelming majority of the States members of the international community. It was a clear reaffirmation of the fact that in today's world the road to security lies not through a policy of force and military adventurism but, rather, through compliance with the fundamental norms of international law. It is not fortuitous that the Heads of State and Government of 100 countries members of the Non-Aligned Movement meeting at Harare, Zimbabwe, called upon the United States to comply with the decision of the International Court of Justice.

In demonstration of its attachment to the United Nations Charter and to its commitment to settle disputes through peaceful means, Nicaragua requested the Security Council in July of this year to confirm the Court's decision. Those present here will recall that the position adopted by majority of the Council's members in support of the international legal order was rejected by the United States delegation, which alone voted against the draft resolution submitted on the agenda item. The vetoing of that draft resolution and the course of subsequent events have once again eloquently demonstrated who opposes a political settlement in Central America.

Literally a few days ago, a further, extremely dangerous step was taken to aggravate the situation in Central America and escalate the aggression that has, for a number of years, been directed against Nicaragua. The President of the United States signed legislation allocating the sum of \$100 million to finance the anti-Nicaraguan mercenaries. A task that had formerly been carried out by the United States Central Intelligence Agency (CIA) in secret through front companies and with the help of mercenaries has now, as is clearly revealed in the American press and through the testimony of the American citizen captured in Nicaragua, been directly assumed by former CIA employees and American military officials. Such actions have taken on the character of official United States policy. We cannot

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just let this go by unnoticed, for it represents a fundamentally new development from the legal, policy and moral viewpoints.

Terrorism directed against the Nicaraguan people, which has heretofore been practised by using cloak-and-dagger methods and adventurist mercenaries, has now taken on the more dangerous form of State terrorism. Let us call things by their name. A real threat has now arisen that a new page will be turned in the United States undeclared war in Central America. As is clear from the most recent data published in Managua, the damage caused to the Nicaraguan economy by the war has already exceeded \$2 billion, and 16,562 Nicaraguans have fallen victim to it. The signing of legislation giving assistance to the contras means, in essence, that additional death sentences against Nicaraguans can now be carried out - and, incidentally, also against the United States citizens who have been dragged by the will of Washington into this dirty war.

The facts that have been brought out following the shooting down of the American transport plane over Nicaragua and the capture of one of its crew clearly demonstrate the scale of aggression against that country. Notwithstanding efforts made to prove the contrary, more and more facts are being revealed, on literally a daily basis, that point clearly to those behind the material and technical assistance to the contras and who orchestrate their daily activities.

The names of the participants in such anti-Nicaraguan actions and the whereabouts of the bases and airstrips from which these lethal cargoes are dispatched are well known. Yet after all that, those present here in this Chamber have heard attempts to depict the captured mercenary as some kind of a victim of actions taken by the Government of Nicaragua. As part of the frantic efforts to justify the participation of American citizens in the dirty war being waged against Nicaragua, some compare them to the internationalists who fought in Spain. History

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surely knows no greater blasphemy than to compare armed mercenaries acting against the legitimately elected Government of a sovereign country - and one with which the United States, moreover, maintains diplomatic relations - with the Americans who helped the Spanish people in their attempt to crush the Fascist Franco revolt against that country's legitimate Republic Government.

The appropriations in support of counter-revolution mean the further militarization of the region and an expansion of the infrastructure of aggression that has been built up on the territory of States neighbouring Nicaragua. One alarming symptom is reports to the effect that the operations of the mercenary bands will be transferred to the direct control of the United States Central Intelligence Agency and that the training of such bands will be carried out by regular subdivisions of special units of the United States Armed Forces.

There is talk of plans to provide the contras with heavy weapons, airplanes and new types of armaments. The aggressive actions and the build-up of the military presence and interference in the area are rightly regarded by the Latin American countries as a threat to the entire continent. The allocation of \$100 million to bands of Somocistas, which have for so many years, under the leadership of their mentors, been unsuccessfully attempting to overthrow the popular power in Nicaragua, attests to the expansion of the policy designed to destabilize and overthrow that country's Government.

Moreover, ultimatums and demands are being put forward to force it to change its internal structure and foreign policy - or, simply put: to renounce its sovereignty. Such demands were heard once again in this Chamber in the statement by the United States representative, who himself engaged in attacks against Nicaragua. Is it possible to take seriously assertions to the effect that tiny Nicaragua represents a threat to such a powerful entity as the United States of America? The reason for the attack against Nicaragua is the United States

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Administration's allergy to the fact that one or another sovereign State Member of the United Nations does not fit the United States notion of how it should structure its society.

The United States representative vainly attempted to construct some kind of foundation to support that untenable thesis and referred to a Soviet Union military presence in Nicaragua. At his press conference at Mexico City on 5 October of this year, the Minister for Foreign Affairs of the USSR, Eduard Shevardnadze, qualified as absurd the United States attempts to justify its actions by such references. He said:

"I can with all due responsibility state that there has not been and is not now any Soviet military presence in Nicaragua."

(Mr. Belonogov, USSR)

Speaking of the intolerable pressure and interference to which Nicaragua is being subjected, including threats to overthrow its legitimate Government, the General-Secretary of the Central Committee of the Communist Party of the Soviet Union, Mikhail Sergeiyeovich Gorbachev, speaking at a meeting with the President of the Republic of Argentina, Raul Ricardo Alfonsin on 15 October 1986, stated that the Soviet Union had no selfish intentions concerning Nicaragua. He said that:

"[Nicaragua] has made its own revolutionary choice - its original choice. We respect it and, naturally, sympathize with it. We are not planning to impose anything on that country or to create such things as military bases, there or anywhere else".

If we think about United States actions against Nicaragua, we see that these represent a new phenomenon in international life: "pre-paid" regional conflicts. As in the case of Nicaragua, undeclared wars are being "pre-paid" against the legitimate Governments of other non-aligned countries as well. In all these cases, we cannot fail to note the attempts to apply a double standard: one set of standards for the behaviour of the United States - justifying any violations of the rules of civilized behaviour - and another for that of small States, which are to be denied even the right to safeguard their own independence and sovereignty. Such an approach can only be viewed as a threat to all those who cherish independence and the principles of justice and international law.

The political approach towards Nicaragua and the general situation in Central America is being represented by some as a manifestation of "East-West confrontation". That view has on several occasions been rejected in the Security Council and in the General Assembly. In that connection, I wish to cite the statement of the President of Mexico, Mr. Miguel de la Madrid, who addressed the General Assembly during the general debate at the forty-first session. He said, inter alia, that:

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"the obduracy of certain States, which insist that we view in terms of the East-West conflict the struggles for self-determination being waged by the peoples of Africa, Asia and Latin America, retard and restrain the inevitable triumph of those peoples". (A/41/PV.8, p. 17)

There can be no doubt that United States policy towards Nicaragua reflects the same disregard for the rules of international law as that demonstrated by the United States violation of its obligations to this Organization, including both its financial obligations and those arising out of the Headquarters agreement between the United States and the United Nations.

The Soviet Union firmly condemns the most recent, and extremely dangerous steps by the United States to escalate aggressive activities in Central America, and demands that they be ended. The solidarity and firm support of the Soviet people will continue to be extended to the just cause of the people of Nicaragua, fighting for independence, freedom, dignity as a sovereign State, and peace in Central America.

The Soviet Union favours the establishment of a comprehensive system of international security, and wishes to see full respect for the right of every people to choose in sovereignty the path and form of its own development. We are in favour of the just political settlement of international crises and conflicts, and an acceleration of the joint search for ways of doing so.

In keeping with that position, the Soviet Union supports the constructive efforts of the Contadora Group directed to a political settlement of the situation in Central America through efforts by the Latin Americans themselves, without outside interference of any kind. Such a settlement must naturally be based on the legitimate interests of the countries of the region, including, of course, Nicaragua. It is obvious that the achievement of a mutually acceptable agreement

(Mr. Belonogov, USSR)

would present no problem if it were a question of an agreement among existing Governments rather than a question of military and political attempts to eliminate one of those legitimate Governments.

The interests of the peoples of Central America and the interests of international security demand that measures be taken immediately to improve the current situation in the region. Those who assume that by raising the tension in that region to critical levels long-term gains can be obtained are acting rashly, quite apart from the inadmissibility of toying with the lives of millions of people. Experience dictates the urgent need to eliminate tension in Central America and to place relations among the States of the region on a lasting and stable footing.

Central America needs peace as never before. As we all know, the Contadora Group and its Support Group made an urgent appeal at Caraballeda for conditions of peace, as they did also in their statement of 7 June 1986, in which they declared their direct opposition to the rendering of assistance to subversive groups. The United States must at long last heed the voice of Latin America and the views of the international community. It must show statesmanlike wisdom and give evidence, through specific actions, of an understanding of modern-day realities, one of which is pluralism in the political orientations of the world's countries, including the countries of Latin America.

It is obvious that a resolution of the crisis in Central America can be achieved only through a peaceful settlement on the just basis of the universally recognized rules of international law. We believe that the decision of the International Court of Justice in the case of the complaint by Nicaragua must be implemented immediately and fully. In the view of the Soviet delegation, the Security Council must state its authoritative opinion on this matter.

Mr. DJOUDI (Algeria) (interpretation from Arabic): Sir, I should like first of all to extend to you, on behalf of the delegation of Algeria, our congratulations on your assumption of the presidency of the Security Council for the month of October. Your country is one which we hold dear and which is tied to my country by links of culture, brotherhood and a common history as well as a common future. We are well aware of your competence and your outstanding abilities, which convince us that you will be able to guide the work of the Council with great wisdom and competence.

I should like also to extend to your predecessor, Mr. Belonogov of the Soviet Union, our great satisfaction at the outstanding manner in which he guided the work of the Council last month.

(continued in French)

The nature of the conflict in Central America, which has been continuing and intensifying for nearly a decade now, has been clearly marked from the outset. Indeed its true protagonists have been singled out a long time ago and the terms for its solution have been and still are most clearly put forward.

In terms of its very nature, it raises the problem of social, economic and political situations, which extreme tensions have led to their ultimate expression in terms of conflict: that of the armed demand for a system of peace, justice and freedom which peaceful means were long unable to establish. It is also that of peoples who, as a last resort, have had imposed on them the option of armed struggle to become full masters of their destiny and fully to enjoy the exercise of their independence, free from all foreign interference.

To reaffirm this is, very succinctly but very precisely, to describe the situation in Nicaragua on the eve of the triumph of the Sandinista revolution. In so doing, this also means the total rejection of any interpretation of the crisis that would draw its logic from that of the East-West confrontation.

(Mr. Djoudi, Algeria)

But it is precisely because of a manipulation of anachronistic imperialist manoeuvres in which small countries rarely receive their due, but indeed, quite often are done a disservice, that the peoples of Central America find themselves at the heart of a crisis in which the only wrong that Nicaragua has done is to have seized the means to take over its own destiny.

A country would be assuming a terrible and unwarranted privilege if it only recognized as negotiating partners those countries equal or comparable in power. Even when enriched by their tradition of struggle and dedication to their own dignity, small countries would thus remain exposed to demonstrations of force and to manoeuvres designed to intimidate them or, still worse, to direct and brutal lethal interference. Is this not unfortunately the case in Central America, where the international community as a whole, however, has pointed to negotiation as the sole framework and means for settling disputes?

In the General Assembly, as in this forum, the right of all the countries of Central America to pursue, in full sovereignty, their own economic and social development within the framework of the political system which they have freely chosen, has been clearly reaffirmed and regularly repeated here.

Thus, Nicaragua as a sovereign State, backed by the support of the international community, and well aware of the righteousness of its cause, has continually shown its readiness to pursue the dialogue begun with the United States at Manzanillo.

Thus also, aware of the dangers with which the crisis in Central America is fraught, the Contadora Group, with the timely support of the Lima Group, has tirelessly tried to set up a valid and impartial framework to restore confidence and to establish conditions likely to promote a policy of good-neighbourliness and co-operation which is so naturally a part of the vocation of the peoples of the region. Therefore, it should be clearly stated that one cannot favour the advent

(Mr. Djoudi, Algeria)

of peace when the support proclaimed for the Contadora endeavour is continually counteracted by military and financial assistance, overt and intensive, supplied to agents of destabilization. That is the only explanation for the continuation of this conflict for which there has been no peaceful solution at a time when armed confrontation has tragically proved, if such proof were necessary, that a military solution is impossible with respect to all aspects of the matter and that trying to find such a solution is condemnable from every point of view.

As much as or even more than the daily and anonymous deaths resulting from the conflict in Central America, an earthquake such as the one which recently took place in El Salvador in a most tragic and painful manner recalls the work of national construction in which each people of that region must engage. Faced with underdevelopment aggravated by the frequency and extent of natural disasters as well as by the consequences of a conflict which is supported from the outside, the countries of Central America cannot fail daily to be aware of the scope of that joint task which they must undertake together in solidarity. This task, which is absolutely necessary, is the only one today that can reconcile those countries with their common heritage and seal the bonds of friendship of their peoples.

It has often been reaffirmed with respect to the conflict in Central America, as well as to many other conflicts, that nothing can be said from the legal point of view, that the only thing involved there are relations of force. However, at a time when the extensive changes taking place in the world show even more clearly the inadequacies of the present international order, the International Court of Justice, in both a timely and a clear manner, placed the stamp of its authority in the service of peace. The decision of the Court dated 27 June 1986, places responsibility on the United States for those facts which it had to judge. In so doing, the Court required that there be full respect for the principles of the

(Mr. Djoudi, Algeria)

United Nations Charter in relations among States, regardless of differences in their systems and their disproportionate means.

That is what the peoples of Central America are waiting for. That is also what the international community has the right to expect from a country which is a permanent member of the Security Council.

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

Mr. TSVETKOV (Bulgaria) (interpretation from French): Nicaragua's request that the Security Council meet to consider the non-compliance with the judgment rendered by the International Court of Justice on 27 June 1986 regarding Nicaragua's complaint is fully understandable to the delegation of Bulgaria. All of us here heard the Minister for Foreign Affairs of Nicaragua, Mr. Miguel D'Escoto Brockmann, citing serious arguments and new, irrefutable facts attesting to the escalation of tension in the region precisely because of the non-compliance with that judgment and the violation of fundamental principles of international law.

The Security Council is very well aware of the efforts made by Nicaragua to normalize the situation in the region. As the Minister for Foreign Affairs of Nicaragua stated, Nicaragua is seeking through all available peaceful means to put an end to this war of aggression: bilateral initiatives, the good offices of third countries, support for the efforts of the Contadora and Lima Groups, and recourse to the Security Council, which in 1983 adopted its historic resolution 530 (1983).

The growing overt pressure on Nicaragua, an independent, non-aligned State which is a Member of the United Nations, has been considered by the Security Council on more than one occasion, including in July last. At that time we said that the decision by the United States Congress to allocate assistance in the amount of \$100 million to the counter-revolutionary bands left no possible doubt about the true plans and intentions of the Administration of that country regarding sovereign Nicaragua. A short time ago, that decision by the Congress became law. It is a paradoxical situation when, despite normal diplomatic relations, a State Member of the United Nations, a permanent member of the Security Council, adopts against another State that is also a Member of the Organization a law under which many millions of dollars are allocated to mercenaries, with the sole objective of overthrowing that country's legitimate Government - action that is incompatible with our Organization's Charter.

(Mr. Tsvetkov, Bulgaria)

We must recall here the terms of the judgment of the International Court of Justice, in particular the part that finds that the United States, in training, arming, equipping and financing the contras, who are fighting Nicaragua weapons in hand, is violating the norms of international law. Mining territorial waters, violating air space, attacking and organizing acts of sabotage against economic targets: all that is nothing but flagrant interference in the internal affairs of a sovereign State. As the decision of the Court indicates, by acting in that way the United States is encouraging the contras, who are violating humanitarian law. May I remind the Council that the International Court of Justice has ruled that the United States must cease and desist immediately from all acts of that kind designed to strengthen the military and paramilitary activities against the Republic of Nicaragua.

We are not speaking here merely of putting the decision of the International Courts into effect: we are speaking basically of respect for and compliance with fundamental principles and elementary norms of international law on which our Organization is based. This decision has not been respected and, in addition, the world community has been witnessing further hostile acts directed against Nicaragua. The allocation - now legal - of assistance to the contras is a very dangerous step, which is contrary to the principles and norms of contemporary international law as well as of the United Nations Charter. Its effect is to heighten tension in the region by legitimizing, for all practical purposes, direct intervention in the internal affairs of a sovereign State and the undeclared war that has been waged against Nicaragua for several years now. All of that, along with the latest irrefutable proof of United States participation in equipping and financing the counter-revolutionary bands - an example is the case of the American mercenary recently captured on Nicaraguan territory - naturally gives rise to deep concern on the part of the international community.

(Mr. Tsvetkov, Bulgaria)

We express again our firm conviction that the peoples of that region of the world, including the people of Nicaragua, must be allowed to choose, themselves, their course of political, economic and social development, free of foreign pressure and foreign aggression; they must be allowed to live and develop in conditions of peace and security. Only one condition is necessary for that: respect for the elementary norms of international law and of relations among States, and respect for the Charter of our Organization. In today's world, relations among States, large or small, are based on the generally recognized rules of civilized behaviour. Flouting and violating those rules causes legitimate concern everywhere, for the very foundations of such relations, and those of our Organization, are thus threatened.

Those are the reasons that prompt us to share the deep concern that the Minister for Foreign Affairs of Nicaragua and the representatives of other delegations expressed here regarding the serious consequences of non-compliance with the decisions of the International Court of Justice, and of the stepping-up of the military and paramilitary activities against Nicaragua. The Bulgarian delegation associates itself with the appeals for the immediate cessation of those activities, and for respect for fundamental principles such as non-interference in the internal affairs of sovereign States and the non-use of force or the threat of the use of force.

As we have stated on other occasions as well, the People's Republic of Bulgaria believes that all problems should be solved by peaceful means, without pressure or interference. That is precisely the direction of the efforts of the Contadora and Lima Groups, which we support.

(Mr. Tsvetkov, Bulgaria)

As the primary instrument of the United Nations for the maintenance of international peace and security, the Security Council must not remain indifferent when the Organization's foundations are being undermined. It must take the necessary steps to put an end to the intervention and eliminate the threat to the people of Nicaragua.

Mr. GBEHO (Ghana): Mr. President, even though my delegation has worked closely and consistently with you throughout this month, this is the first time that I have spoken in the Council under your leadership. It is with immense pleasure, therefore, that I wish to pay a sincere tribute to you for your great qualifications, integrity and considerable diplomatic talents. The Ghana delegation congratulates you on your assumption of the presidency of the Council for the month of October. We have had the good fortune to work closely with you in the last 10 months and have come to respect your untainted sense of justice and fairplay.

I wish also to pay a well-deserved tribute to your predecessor, Ambassador Belonogov, Permanent Representative of the Union of Soviet Socialist Republics, for the even-handed and responsible manner in which he steered the Council's work in the month of September.

Nicaragua has deemed it necessary to bring before the Council for enforcement the judgment of the International Court of Justice in the case of military and paramilitary activities in and against Nicaragua handed down on 27 June 1986. Such a request, although unprecedented, is based on the juridical foundation enabled by Article 94, paragraph 2, of the Charter, which states:

"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, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment."

My delegation finds the particular request, to have the Council pronounce itself on the obligations arising from the judgment of the Court as they devolve on a party to the dispute, in order. We also share the view that such consideration should avoid extraneous matters of power and ideology and, rather, concentrate on the facts as they impinge upon international law.

(Mr. Gbeho, Ghana)

The judgment handed down by the International Court of Justice on 27 June 1986 is of a historic nature, not only because of its momentous elaboration of the fundamental tenets of customary international law, upon which the whole corpus of inter-State relations rests, but also because it represents a veritable voice of reason and objectivity in a world which has become accustomed to the use of violence to facilitate the achievement of ambitions and to secure, where possible, unilateral settlement of disputes.

The Court, members of the Council will recall, painstakingly appraised the evidence available to it and took meticulous care not to prejudice the interests of the absent party, the United States, as it was required to do under Article 53 of its Statute. Its judgment is therefore widely concurred in and respected.

In speaking to the violations by the United States of principles of customary international law that prohibit the use of force and intervention in the domestic affairs of States and enjoin respect for the sovereignty, territorial integrity and political independence of States, the Court affirmed the sanctity of the precepts upon which the international legal system is founded. By so doing the Court underscored the primacy of law in restraining States, big or small, from the unbridled pursuit of their self-interest in disregard of the rights of others in a world as diverse and yet as interdependent as ours.

Of particular significance for us is that inherent in the Court's decision is a clear statement of what constitutes right and wrong in inter-State relations. International law derives its essence and efficacy from a generalized respect for and compliance with standards of behaviour transgression of which invokes reprimand. That judgment therefore upheld the principles of the Charter and charted the course that this Council should pursue in its attempt to ensure the maintenance of international peace and security.

(Mr. Gbeho, Ghana)

Unlike municipal law, international law does not enjoy the facility of law enforcement agencies to compel respect for its prescriptions. Thus fundamental reliance is placed on the goodwill and high sense of responsibility of all States in the discharge of their duties as members of the community of nations. A cardinal duty in this context is due regard for the primacy of law in mediating conflicts and facilitating the peaceful resolution of disputes.

The International Court is itself a creature of law and its decisions represent authoritative declarations that bind parties in dispute before it.

Article 94 of the Charter states:

"Each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party." It is in this regard that we share the considered reasoning and wisdom found in Justice Ruda's separate opinion, which declares that States cannot, as the United States sought to do by the letter of its agent of 18 January 1985 to the Court, reserve the right to comply with or disregard the Court's decisions.

Consequently, the Ghana delegation is unable to subscribe to the view that the Court's decision is inapposite by reason of the political nature of the facts before it and impliedly inconsequential in regulating the future conduct of the United States or any country in Central America, particularly with regard to Nicaragua. Indeed, we do not accept the view that this Council has been manipulated by the Nicaraguan or any other régime in matters concerning Central America. The Council has only one means of settling disputes or defusing tension in any given area of the world, and that is following the principles laid down in the Charter.

There is no question that a State may within its competence terminate its adherence to the compulsory jurisdiction of the International Court of Justice, but such action, of necessity, must comply with the time-limits established by that

(Mr. Gbeho, Ghana)

body's procedures and practice, which that State undertook to respect when it accepted the jurisdiction of the Court in the first place. It is therefore difficult for my delegation to agree with any assertions that contradict settled practice in this regard. More far-reaching in its practical consequences for the integrity and viability of the International Court of Justice, the principal judicial organ of the United Nations system, is the point of view that a State party to a dispute before it can assume unilateral powers, can pronounce upon the Court's competence to handle such a dispute.

The founders of this Organization in their wisdom left determinations as to the competence of the Court with respect to its jurisdiction in no doubt.

Article 36, paragraph 6, of the Court's Statute states:

"In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the Court."

Such a clause, in my delegation's view, is an essential safeguard against anarchy in the international realm and invokes a credible presumption against the possible tyranny of the powerful.

(Mr. Gbeho, Ghana)

It is difficult to understand what can only be regarded as the ambivalence exhibited by one party to the dispute in its attitude to the International Court, in terms of both its record as a founding Member of the United Nations and its own declarations in this very Council Chamber. Indeed, at the 2191st meeting of the Security Council, held on 13 January 1980, to consider matters pertaining to resolutions 457 (1979) and 461 (1979), the representative of the United States, in referring to an International Court of Justice decision - which incidentally and correctly favoured his country - described the Court as having

"the authority of the world's highest tribunal on international legal matters." (S/PV.2191/Add.1, p. 6)

To state otherwise six years later, especially when the Court's decision is no longer so favourable, is likely to be interpreted as bad faith and a less than constructive attitude towards the fundamental principles enshrined in the Charter.

The determination of the Court in respect of the obligations of a Member State under international customary law, and in this case the treaty of friendship and co-operation between the United States and Nicaragua, are clear and unambiguous. It would be appropriate, therefore, for the Council to urge compliance with the International Court's judgment of 27 June 1968, for to do otherwise would be to cause the expectations of small States that protection exists under the Charter to be substantially revised. It is worth while to recall in this regard a statement made by Mr. Spaak of Belgium, the then Foreign Minister of that small European State, at the second plenary meeting of the United Nations Conference on International Organisations - the Conference that finally led to the forming of the United Nations - on 28 April 1945, in San Francisco. He said:

(Mr. Gbeho, Ghana)

"Let the great Powers be freely accepted as leaders; we have faith in their strength and in their experience. But let them also never forget that, less trusting in force because we lack it, we see in the respect for justice and right the supreme guarantee of our existence."

Article 94, paragraph 2, of the Charter stipulates actions that this Council is entitled to take in the matter. The Council can either make recommendations or take measures to give effect to the judgment of the Court. The seriousness of the situation demands that the Council not shirk its solemn responsibility for upholding the rule of law. Taking into account all the circumstances surrounding the consideration of the complaint, however, we hope that members of the Council would agree that what the Council would like to see now is respect for the Court and its judgment in the present dispute. In this connection, I should like to quote what the Heads of State or Government of non-aligned countries stated in their Declaration adopted a few weeks ago in Harare:

"The Heads of State or Government urged the United States to comply with the ruling of 10 May 1984 on Provisional Measures of Protection and the Judgment of 2 November 1984 on the jurisdiction and admissibility of the demand of 9 April 1984 presented by Nicaragua. They further called upon 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, violated international law, that it is under a duty immediately to cease and refrain from all such acts; that it is under an obligation to make reparations to the Republic of Nicaragua; and that the form and amount of such reparations, failing agreement between the parties, will be settled by the Court."

(Mr. Gbeho, Ghana)

That is the collective view of the Heads of State or Government of the non-aligned countries, which the Council may wish to note in its deliberations on this matter.

We believe that the Council must encourage a new and constructive phase in the bilateral relations between the States parties to the dispute before us, even as we urge the Contadora and Support Groups success in negotiating a comprehensive political settlement for the countries of Central America.

Nicaragua, through its Foreign Minister, Miguel D'Escoto Brockmann has once more offered the hand of peace. We hope that the other State party to the dispute will respond positively. My delegation also calls upon the Council to help demonstrate - to borrow the words of former Secretary of State Cyrus Vance when addressing the Security Council in December 1979

"that the rule of law has meaning and that our machinery of peace has practical relevance". (S/PV.2182, para. 28)

The PRESIDENT (interpretation from Arabic): I thank the representative of Ghana for the kind words he addressed to me. We have heard the last speaker for this afternoon. Before adjourning the meeting, I shall call on representatives who have asked to speak in exercise of the right of reply.

Mr. WALTERS (United States of America): I am always fascinated to hear articles from the free American press criticizing the United States Government quoted by representatives of States where the press would never dare report anything that would displease their Governments. Clearly the freedom of the American press is the source of endless wonder to many of those representatives.

It is most interesting to be lectured on non-intervention and human rights in Nicaragua, where there are no American soldiers, by the representative of a country which has more than 100,000 men on the soil of Afghanistan, where they are using

(Mr. Walters, United States)

the most advanced weapons to bomb and slaughter Afghans who will not accept the enslavement of their country on a scale far greater than anything that has happened or is happening in Central America - the same country as finances and arms the Vietnamese forces of occupation in Cambodia.

The Soviet Union has poured an endless stream of deadly weapons into Nicaragua of a value of many hundreds of millions of dollars. The Soviet representative is correct; there is a double standard. The United States, which has no troops in Nicaragua, is freely named. The Soviet Union, which has more than 100,000 soldiers trying to crush the Afghan resistance, is not named in resolutions referring to the martyrdom of the Afghan people.

Mr. BELONOGOV (Union of Soviet Socialist Republics) (interpretation from Russian): Apparently because of the lack of serious arguments, the representative of the United States of America began to address questions which have nothing whatever to do with the matter under discussion today in the Security Council Chamber. Today in this Chamber we have heard a great deal of truth that is not pleasant for the Government of the United States, truth which it is difficult to take, glaring truth, accusing truth. I do not think that the attempt of the representative of the United States of America to divert the Security Council, from discussion of the question we are gathered here to consider today - that of compliance by the United States of America with the judgment of the International Court of Justice - can be justified. The position seems to me to be quite the opposite. It has once again demonstrated the total untenability of the position of the United States of America, because the United States Administration has nothing with which to counter the brilliant, juridical line of reasoning which we have just heard from the representative of Ghana; it has nothing with which to counter the

(Mr. Belonogov, USSR)

facts of crude and cynical interference by the United States in the internal affairs of another State; it has nothing with which to counter the facts of a crude trampling underfoot by the United States of America of universally recognized norms of international law.

The PRESIDENT (interpretation from Arabic): The next meeting of the Security Council to continue consideration of the item on its agenda will be held tomorrow, 28 October 1986, at 3.30 p.m.

The meeting rose at 6 p.m.

