

UNITED NATIONS



SECURITY COUNCIL OFFICIAL RECORDS

THIRTY-SEVENTH YEAR

2347th MEETING: 2 APRIL 1982

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NOTE

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The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

2347th MEETING

Held in New York on Friday, 2 April 1982, at 12.10 p.m.

President: Mr. KAMANDA wa KAMANDA (Zaire).

Present: The representatives of the following States: China, France, Guyana, Ireland, Japan, Jordan, Panama, Poland, Spain, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

Provisional agenda (S/Agenda/2347)

1. Adoption of the agenda
2. Letter dated 19 March 1982 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General (S/14913)

The meeting was called to order at 12.45 p.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 19 March 1982 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General (S/14913)

1. The PRESIDENT (*interpretation from French*): In accordance with decisions taken at the previous meetings on this item [2335th, 2337th, 2339th, 2341st, 2342nd and 2343rd meetings], I invite the representative of Nicaragua to take a place at the Council table. I invite the representatives of Algeria, Angola, Argentina, Benin, Chile, Colombia, Congo, Costa Rica, Cuba, El Salvador, the German Democratic Republic, Grenada, Honduras, India, Iran, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Madagascar, Mauritius, Mexico, Mozambique, Nigeria, Seychelles, Sri Lanka, the Syrian Arab Republic, the United Republic of Tanzania, Viet Nam, Yugoslavia, Zambia and Zimbabwe to take the places reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. D'Escoto Brockmann (Nicaragua) took a place at the Council table; Mr. Ourabah (Algeria), Mr. de Figueiredo (Angola), Mr. Roca (Argentina), Mr. Soglo (Benin), Mr. Trucco (Chile), Mr. Sanz de Santamaría (Colombia), Mr. Mondjo (Congo), Mr. Piza Escalante (Costa Rica), Mr. López del Amo (Cuba), Mr. Rosales Rivera

(El Salvador), Mr. Ott (German Democratic Republic), Mr. Taylor (Grenada), Mr. Carias (Honduras), Mr. Krishnan (India), Mr. Rajaie-Khorassani (Iran), Mr. Srithirath (Lao People's Democratic Republic), Mr. Muntasser (Libyan Arab Jamahiriya), Mr. Rabetafika (Madagascar), Mr. Ramphul (Mauritius), Mr. Muñoz Ledo (Mexico), Mr. Lobo (Mozambique), Mr. Maitama-Sule (Nigeria), Ms. Gonthier (Seychelles), Mr. Fonseka (Sri Lanka), Mr. El-Fattal (Syrian Arab Republic), Mr. Rupia (United Republic of Tanzania), Mrs. Nguyen Ngoc Dung (Viet Nam), Mr. Komatina (Yugoslavia), Mr. Lusaka (Zambia) and Mr. Mashaire (Zimbabwe) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from French*): I should like to inform members of the Council that I have received a letter from the representative of Iraq in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity 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 provisional rules of procedure.

At the invitation of the President, Mr. Mohammad (Iraq) took the place reserved for him at the side of the Council chamber.

3. The PRESIDENT (*interpretation from French*): Members of the Council have before them document S/14941, which contains the text of a draft resolution submitted by Panama, and now co-sponsored by Guyana.

4. Mrs. KIRKPATRICK (United States of America): I should like to begin, Sir, by warmly congratulating you on your accession to the presidency and expressing my personal conviction and that of my Government that you will manage the affairs of this Council with skill, subtlety, flexibility and judgement, which we know characterize the conduct of the Zairian Mission and your own professional duties. We are pleased to have so judicious a President at an hour when the Council is considering so many and such important questions.

5. As this discussion of Commander Ortega's letter to the Council draws to a close, I should like to make

several observations concerning his complaint against the United States, and also concerning the debate that has taken place in this chamber in the past days.

6. First, I desire to reiterate that the great fear cited by Commander Ortega that the United States is about to invade Nicaragua is groundless. The United States has no intention of invading Nicaragua or anyone else. I have already emphasized the Sandinista leadership's past misunderstanding of the attitudes of the United States Government. I desire to reiterate once again that the United States Government did not attempt to prevent the Sandinistas' accession to power; it helped them. The United States Government did not attempt to prevent their consolidation of power; we helped them. The United States did not oppose their efforts to reconstruct Nicaragua's economy; we helped them. The record concerning United States economic assistance—direct and indirect—to the Government of Nicaragua is clear. There is no need to labour it. I shall not do so.

7. Secondly, I have also reiterated the attachment of my Government to the principles of non-intervention in the internal affairs of other States, our respect for territorial integrity and national independence, the peaceful settlement of disputes and those principles of the Charter of the United Nations that govern the use and non-use of force. Obviously, none of this means that the United States renounces the right to defend itself, nor that we will not assist others to defend themselves under circumstances consistent with our legal and political obligations and with the Charter.

8. Unfortunately, not all Governments which have participated in this debate are equally attached to the principles of the non-use of force, respect for territorial integrity or national independence. There is an interesting correlation between the nations that have supported Nicaragua's complaint against the United States and those that opposed or abstained on the resolutions calling for the withdrawal of Soviet troops from Afghanistan or Vietnamese troops from Kampuchea.

9. The principles of non-intervention and respect for national independence cited in this debate did not lead Angola, Cuba, the German Democratic Republic, Grenada, the Lao People's Democratic Republic, Libya, Madagascar, Mozambique, Seychelles, the Syrian Arab Republic, the Soviet Union or Viet Nam to join 116 other nations in calling for an end to the occupation of Afghanistan. All those nations opposed the Afghanistan resolution.¹

10. Zeal for national independence and non-interference did not move the Governments of Algeria, Benin, the Congo, India or Uganda to seek an end to the occupation of Afghanistan. All abstained.

11. It is not, moreover, only the national independence of Afghanistan which inspires so little response

from among so many who have expressed solidarity with these principles in the last few days. Neither Angola nor the Congo, nor Cuba, nor the German Democratic Republic, nor Grenada, nor the Lao People's Democratic Republic, nor Libya, nor Mozambique, nor Seychelles, nor the Soviet Union, nor Viet Nam, Algeria, Benin, India, Madagascar, Mexico, Panama, Uganda, Tanzania or Zimbabwe was moved by these principles to support the call for an end to the continuing military occupation of Kampuchea.²

12. Will members of the Council be surprised to be reminded that the Government of Nicaragua was itself not prepared to extend to the people of Afghanistan and Kampuchea the rights to peace, national independence and territorial integrity it seeks for itself now? Nicaragua supported neither the resolution calling for an end to the occupation of Afghanistan nor the resolution regarding Kampuchea.

13. This sort of selective invocation and application of universal principles does not strengthen either the principles or the organizations dedicated to their realization and implementation. It breeds cynicism. It harms the United Nations. It mocks the search for peace.

14. Thirdly, I desire to clarify the position of my Government with regard to the jurisdiction and role of the United Nations and of regional organizations. Despite efforts by the Government of Nicaragua to indicate otherwise, it should be perfectly clear that the United States Government believes that any Member State has the right under the Charter to bring an issue before the Security Council which seriously threatens international peace and security. As members of the Council all know, the United States did not oppose Commander Ortega's request to present an exposition to this Council, even though we were the object of that complaint. But while the Charter grants that right to all Members, it is equally clear that the Charter encourages the resolution of disputes through regional arrangements.

15. The Charter contains a chapter, chapter VIII, relating expressly to regional organizations. Paragraphs 2 and 3 of Article 52 contain the explicit provisions designed to encourage resolution of regional disputes in the relevant regional organization. Those paragraphs read as follows:

"The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

"The Security Council shall encourage the development of pacific settlement of local disputes through such . . . regional agencies either on the initiative of the States concerned or by reference from the Security Council."

16. Those who attempt, as the Government of Nicaragua has attempted, to describe the legal obligations of members of the regional organizations without reference to these provisions ignore, *inter alia*, fundamental provisions of the Charter. It is an elementary rule of interpretation of treaties that effect must be given to all provisions of the Charter. In this context, it is worth recalling Article 2, paragraph 2 of the Charter, which requires good-faith fulfilment of the obligations assumed by each and every Member. Ignoring the existence of undeniably relevant provisions of the Charter would appear to raise serious questions.

17. Nicaragua's studied avoidance of those provisions in a long communication ostensibly devoted to an analysis of the subject demonstrates not only that its concern is less with law than with politics but that it is prepared to seek political advantages even at the price of serious legal distortions.

18. Unfortunately, there have been other evidences, inside this chamber and outside it as well, that the Government of Nicaragua is less concerned with rights than with advantages.

19. Its failure to support the national independence of the peoples of Afghanistan and Kampuchea, its continuing efforts to undermine and overthrow neighbouring Governments, especially El Salvador, its importation of heavy offensive arms, its militarization of Nicaraguan society—all establish that we are dealing here with a Government that seeks for itself rights it is not willing to grant others.

20. Nicaragua invokes the principle of non-intervention but claims the right to intervene in the internal affairs of neighbouring States.

21. Nicaragua demands that others respect its national independence but does not respect the sovereignty or right to national self-determination of its neighbours.

22. Nicaragua claims the right to seek advisers and arms wherever it chooses—as an exercise of its sovereignty—but would deny its neighbours the same right.

23. Nicaragua claims the right to live in peace while fomenting internal war in neighbouring countries.

24. The facts, as I stated last week [2335th meeting], are that the Government of Nicaragua is an active party to a massive intervention in the affairs of its neighbours. The Government of Nicaragua is engaged in training guerrillas and directing command-and-control centres. It is involved in infiltrating arms and guerrillas, destroying electric power stations, blowing up bridges, terrorizing civilians. Its leaders come before the Security Council seeking international protection for these activities.

25. The Government of Nicaragua espouses and practises a very particular conception of non-intervention, a very particular conception of non-alignment—the kind that, in the end, saps the meaning and the power of both.

26. The letter of Mr. Daniel Ortega Saavedra and the Council debate that it has prompted remind me of a statement by the late French philosopher Georges Bernanos, who once said that "the worst, the most corrupting, of lies are problems poorly stated". Mr. Ortega states that "the problem" has to do with the danger posed by the United States to the independence and sovereignty of the countries of Central America. This definition of "the problem" merely obfuscates the real issue that is at stake in Central America, which is a conflict between two concepts of organizing society, two ideologies if you will—the one democratic, the other totalitarian.

27. The elections held on Sunday in El Salvador symbolize one of these approaches—the democratic one—while the Nicaraguan régime's systematic refusal to hold elections symbolizes the other—the totalitarian—approach. That election, the Salvadoran election, with its enormous turn-out of voters, was a tribute to the Salvadoran people and to the vitality of the democratic idea.

28. What a stolid, courageous, unflinching people these Salvadorans are. Despite the possibility of massive violence at the polling places and threats of retaliation by guerrilla forces against voters, they still voted in huge, unprecedented numbers. Why did they do so?

29. In Monday's *Wall Street Journal* there was an interview with one of these voters, Ana María de Martínez, who

"was typical of some voters who thought they would beat the crowds by showing up early at the polling stations. This mother of two children got to the National Technical Institute, a polling place, around 5 a.m. But so did a lot of other people, and by 9 a.m. she was still two blocks from the gate entrance. 'I'll wait here all day if I have to,' she said, fanning her face with her wallet. 'The rest of the world seems to have made decisions about El Salvador. Now it's my turn.' "

30. Some people said that free and fair elections could not be held in El Salvador. They were wrong.

31. But there were others who have been against elections in principle regarding them as a tool of the bourgeoisie and a misrepresentation of the popular will, which can best be expressed, they believe, through armed struggle. In Salvador, this view, preferring the bullet to the ballot, is held by the various guerrilla factions whose co-ordinating front is appropriately named after Farabundo Martí, the Salvadoran Com-

munist. One of these guerrillas, Comandante Ana Guadalupe Martínez, is quoted in this week's issue of *The Economist* of London as saying that elections "are there to ratify a popular government . . . If laws exist which represent the people, elections are not very important."

32. The idea that the will of the people can be better expressed through a revolutionary élite than through free elections is, of course, a fundamental tenet of Leninism. It is, I need hardly point out in this forum, fundamentally at variance with article 21 of the Universal Declaration of Human Rights, which states that

"The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".³

33. The Farabundo Martí Front for National Liberation is not the only element in Central American politics that opposes free elections as defined in article 21 of the Universal Declaration of Human Rights. The Sandinista leadership also opposes such elections. Indeed, they have called the Salvadoran election "an absolute denial of democracy and civilization". They did not always speak thus. One month before achieving power, in June 1979, when they were still seeking supporters, the Sandinistas promised the Organization of American States (OAS) that they would hold free elections when they assumed power. Once in power, however, they quickly reneged on that promise.

34. In the spring of 1980, the Sandinistas consolidated their control over the Council of State, enlarging it and packing it with their own supporters to ensure a permanent majority. In July of 1980, Sandinista Defence Minister Humberto Ortega announced that there would be no need for elections since the people had already "voted" during the revolution. Elections could not be held, it was said, until the people had been "re-educated".

35. The following month, in August 1980, Humberto Ortega announced that elections would be put off until 1985. Even then, it was stated that these would not be "bourgeois" elections—the kind of elections, that is to say, called for in the Universal Declaration of Human Rights—but rather "people's elections" in which, in the words of Interior Minister Tomas Borge, power "will not be raffled off". Meanwhile, no "proselytizing activities" on behalf of any candidate, no discussion of candidacies, would be permitted before candidates were officially designated by an official electoral agency which would itself not be created until 1984. Violations would be punished by terms of three months to three years in prison.

36. All the while, vigilante mobs have been encouraged to intimidate the opposition to Nicaragua's Government. The MDN [*Democratic National Movement*] and the Social Democrats, two of Nicaragua's principal opposition parties, have repeatedly been the victims of semi-official mob violence. In a speech delivered last fall, Humberto Ortega stated that the Sandinista régime is "guided by scientific doctrine, by Marxism-Leninism", and threatened to hang dissenters against the régime's policies "along the streets and highways of the country". Shortly thereafter, four Nicaraguan business leaders who signed a letter protesting against this speech were arrested and sentenced to seven months in prison.

37. The Sandinistas' description concerning elections is part of a larger policy of revolution by obfuscation. They have pretended to be democrats. For a long time they pretended not to be Marxist-Leninists. Today, they pretend there is no contradiction between Sandinism and Marxism-Leninism.

38. As those familiar with the history of Augusto Cesar Sandino know, his nationalism provoked suspicion and criticism from those who supported submission to Moscow's so-called internationalism. His desire for "absolute sovereignty" for a "free country" and for leaving the solution of economic and social problems to democratic decision was naturally rejected by Communists as bourgeois and counter-revolutionary. The Communist attack against Sandino, therefore, began when he was in Mexico. Because he refused to adjust his fight for "Country and Liberty" to the plans of the Mexican Communists, the Secretary-General of the Mexican Communist Party called him a traitor and denounced him upon his death.

39. It is particularly instructive, in the light of the different attitudes toward free elections today in El Salvador and Nicaragua, to contrast Sandino's views with those of José Augustín Farabundo Martí, the leader of the Salvadoran Communist Party, who joined Sandino's struggle for a time but was eventually sent home because of his Communist ideology.

40. Martí wrote: "My break with Sandino came about because he did not wish to embrace the Communist programme which I supported. His banner was only for independence, a banner of emancipation, and he did not pursue the ends of social rebellion." Years later, this account was confirmed by Sandino himself, who wrote: "On various occasions attempts were made to distort this movement of national defence, converting it rather into a battle of a social character. I opposed this with all my strength."

41. In its efforts to consolidate totalitarian power at home and mortgage the national independence of Nicaragua, the Nicaraguan régime stands squarely in the tradition of Farabundo Martí, whose descendants, acting in that tradition, tried unsuccessfully to

sabotage through violence the free elections in El Salvador and who, if they came to power, would adopt the same contemptuous attitude towards free elections that those who call themselves Sandinistas have adopted in Nicaragua.

42. It is hardly a coincidence, I suppose, that many of the countries that have supported Comandante Ortega's letter in the course of this debate share his régime's principled opposition to free elections. These countries include Cuba, Viet Nam, Angola, the Soviet Union, Laos, Mozambique, Grenada, Iran and the German Democratic Republic. None of these régimes, which call themselves "people's democracies", are Governments chosen by or accountable to their people. All of them oppose, because they fear, the free expression of the will of their people through free elections, as called for in article 21 of the Universal Declaration of Human Rights.

43. I have already expressed to the Council my Government's surprise at Nicaragua's decision to bring its complaint to the Council at precisely the moment when there seemed to be progress toward direct negotiations among the nations most directly involved. We have noted as well that this is not the first time that United States initiatives aimed at resolving disputes have been met by deliberate escalations.

44. Why did the Nicaraguans come at this time to this forum with their harsh rhetoric and wild charges? To distract attention from El Salvador's elections? If that was their purpose, then they failed.

45. Was it, rather, to distract attention from the intensified repression going on in Nicaragua itself, since the Government declared an "emergency"? If this was their purpose, then they have largely succeeded. Not much note has been taken here of the new repressive measures aimed above all at Nicaragua's press. Yet strict prior censorship has prevented the appearance for several days of *La Prensa*, which not only is prohibited now from printing news on a great many subjects, but has also been forbidden to print blank spaces. Even the pro-Sandinista *El Nuevo Diario* ran afoul of the censors' vague standards and strict enforcement. A 24-hour suspension was imposed after it announced that the Government had declared a state of siege.

46. It has been suggested, too, that Nicaragua's complaint here merely reflects a not unwholesome desire to let off steam and express its frustrations at having a super-Power for a neighbour. But this is a serious international forum, not a Turkish bath. It has been suggested that being the object of such a complaint is a kind of occupational hazard of super-Powers, that this complaint is analogous to that made against the Soviet Union on Afghanistan. An analogy would exist, we are quick to note, only if the United States had forcibly eliminated the Government of Nicaragua, shot its chief of State and then moved in 100,000 com-

bat troops to subdue and occupy the country. But, of course, my Government has no intention of doing any such thing.

47. We desire to live at peace with all our neighbours. We shall continue our efforts to develop a constructive relationship with the Government of Nicaragua. Secretary of State Alexander Haig has made clear that we are prepared to work and talk on the basis of mutual respect to that end.

48. Various proposals have been offered for conciliation among the nations of the region and the hemisphere. The United States, interested in the constructive resolution of tension and conflict, remains ready to do its part to ensure peace in the region and to enhance the prospects for democracy and development for all our people.

49. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Costa Rica. I invite him to take a place at the Council table and to make a statement.

50. Mr. PIZA ESCALANTE (Costa Rica) (*interpretation from Spanish*): In thanking you for the opportunity afforded me to take part in this meeting, I should also like to convey to you, Mr. President, my best wishes for success during your term of office, and to the representative of the United States my gratitude for the manner in which she guided the proceedings of the Council during the month of March in circumstances that were particularly difficult for her.

51. The delegation of Costa Rica has been following the development of this debate with special interest, but also with justified concern, because in it two American States, one of them a sister Central American neighbour, have been pitted one against the other; because from the original bilateral situation formally brought before the Council, it entails the risk of spilling over into a larger-scale conflict that would affect the entire Central American area, of which my country is a part; and, lastly, because it involves other States that are or should be alien to it and because it is the first dispute between member States of the OAS to be brought directly to the Security Council, thus bypassing the pre-emptive procedures established by the inter-American regional system to which both parties to this situation belong.

52. Despite our interest and our concern, we have been witnessing this debate in prudent silence, in the hope that the discussion would be, as it should be, limited to an objective reflection of the sincere concern of one of the parties and of the sincere explanation of the other and that, with the help of the Council, a peaceful settlement, which both sides claim to favour, might be reached. We also nurtured the hope that this time the Council would be spared the barrage of statements which unfortunately have flooded its meetings, many of which have not been exactly likely

to expedite its work but rather have been aimed at using the Council as a forum for political propaganda; statements which, far from reducing tensions, have increased them, and far from permitting the fulfilment of the high mission entrusted to this body of guaranteeing international peace and security, have hindered it.

53. However, once again we feel that discussion in this forum has become a display of political rhetoric on the part of some delegations which lack sufficient knowledge of the situation in Central America and do not seem much interested in really helping our peoples to resolve it. They do not realize that, or, if they do, they do so deliberately, and their rhetoric prevents us from knowing and judging the true dimensions of this problem, since they are denying Nicaragua an opportunity to present its case with concrete proof of the imminent dangers of aggression or intervention it charges, and denying the United States the opportunity of adequately answering the charges and presenting its countercharges. Both Nicaragua and the United States are being denied the opportunity of honouring their wishes for dialogue, seeking and finding a peaceful solution that would justify the very existence of this body.

54. Nicaragua knows that it does not take speeches in the Security Council for Costa Rica to offer its friendship, its understanding and its backing in the independent and legitimate search for its destiny. Nicaragua also knows that Costa Rica need not reaffirm its readiness to condemn and fight, by all means available to it, any attempt of aggression or oppression against it, because it has given proof of this many times, since 1856, when it even went to war to expel from Central America the adventurers who had taken over that sister country.

55. Nicaragua knows of the backing the Costa Rican people gave to the heroic struggle of Sandino against North American military occupation, and it knows that it was seriously threatened first, and harshly censured later, because of the support that it gave Nicaragua in its struggle against the Somoza tyranny.

56. Nicaragua cannot forget our votes nor our active participation in the OAS and at the United Nations on the various occasions when the problem of that country was discussed, during the Somoza dynasty, to condemn it, and, as under the aegis of the Sandinist revolution, to defend it—defending the right it won with its blood to direct the reconstruction of Nicaragua on the path of independence, dignity, pluralism and representative democracy, which all American States are obliged to seek, because that is clearly the wish of their peoples and because they have formally committed themselves to it by subscribing to the Charter of the Organization of American States and the other legal instruments of the regional system.

57. Nicaragua also knows that we would immediately come to its defence if aggression or undue inter-

vention took place against it, and even before then, from the very moment when the existence of concrete threats of aggression or intervention were proved.

58. We have waited and continue to wait for that proof, which in our view is essential for the Council to be able to take any direct action in the conflict and for States Members of the United Nations to proffer seriously their solidarity and help. In the meantime, we can only express our interest in having the complaint by the Government of Nicaragua considered and our satisfaction at the guarantees offered by the Government of the United States to respect the security and independence of Nicaragua.

59. Actually, we have felt compelled to abandon our silence and to take part in this debate before its conclusion because the barrage of statements, we fear, has led to distortions which not only prejudice the specific complaint brought by the Government of Nicaragua against the Government of the United States, but seek to involve in general all the Central American nations and harm the whole Inter-American System—that regional system which our peoples and Governments have been laboriously building from 1812, when the Liberator Simón Bolívar convened the Amphyctionic Congress of Panama; a system that was consolidated even before the birth of the United Nations—indeed, it served as an important inspiration to it—and that even includes its own system of collective security, which was used as a model for that of this world Organization.

60. With regard to Central America, once again we must draw the attention of the States Members of the United Nations to the real inequity that is being committed against our peoples, turning them into chips on the table of the ideological or political interests of other regions or on the chess-board of world hegemony, with very little or no sincere concern at all for their misfortunes, their culture, their aspirations, their prospects or their hopes. We have seen this happen whenever human rights problems are discussed, problems which in recent years have been subjected to selective treatment by which we Latin Americans are always considered to be the worst, if not the only examples of the gravest injustices. And those of us who do not bear specific ideological or political labels have suffered especially cruelly from that; those who do have the backing of automatic majorities condemn the same or even less than what they themselves practise on their own peoples. The same occurs in respect of international peace and security, and in general with regard to all values and principles so loftily inscribed in formal documents, but so prostituted in actual fact.

61. Central America is indeed a region in turmoil, not free from despotism or injustice, but it is not the only one or the worst. On the contrary, it has been moving forward, step by step—slowly if you wish, but with a resolve and tenacity not seen in other regions—moving towards better goals.

62. Costa Rica, which enjoys a system of freedom and democratic stability that has been universally recognized; which because of not having an army, has been able to devote most of its efforts to development and social justice; and which, I must say again, enjoys standards of living, health, education and culture that place it at the head of the nations of the continent and are very close to those of many of the more developed nations, is entitled to claim respect not only for itself, but also for all its Central American sisters seeking to achieve progress under various ideological labels and political régimes, but with a common desire for democracy, justice and freedom.

63. Owing to that same respect which we claim but which we ourselves are also obliged to guarantee and defend, we are seriously worried at the fact that the conflict outlined by the Government of Nicaragua has been brought directly to the Security Council, bypassing the previous mechanisms of the Inter-American System, which are much more efficient and certainly much more our own.

64. In this regard, certainly we must pronounce ourselves with the utmost vehemence, since for us the integrity of the regional system is fundamental, both for reasons of suitability for all the American States and for reasons of legality.

65. With regard to the first aspect, suitability, the very history of the Inter-American System is abundantly clear in support of our thesis. As has been stated here, the inter-American security mechanisms placed in the hands of the OAS not only are more complete and expeditious, and more our own, but boast a long series of successes, through a series of Meetings of Consultation of the Ministers of Foreign Affairs, who have always responded to the quest for the peace and security of all nations of the continent.

66. Indeed, in that long series of successes the present régime of Nicaragua has been the specific beneficiary of one of the most important regional collective actions—specifically, that of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs, which was convened to be seized of the problem in that country and which is still open. An overwhelming majority of American States, in June 1979, specifically rejected a proposal in favour of a negotiated political solution to the internal conflict in Nicaragua, which was at that time under the Somoza dictatorship, and instead clearly stated that that dictatorship had to disappear, allowing the Nicaraguan people the unconditional opportunity to have democratic self-determination. That resolution marked a turning point in bringing about the end of the civil war in Nicaragua, with the overthrow of Somoza and the coming to power of the present Junta of National Reconstruction, which needs only to legitimize its task by calling elections and consolidating full democratic-representative institutionality.

67. It is interesting to note that the same kind of solution proposed for Nicaragua was adopted by the General Assembly of the OAS in November 1981 in the case of El Salvador, and consistency led my delegation, together with a majority of the other Latin American States, to reject in the General Assembly of the United Nations a proposal that claimed for El Salvador a formula of negotiated political solution similar to that we had rejected for Nicaragua in 1979—a formula that constituted interference in internal affairs and that was likely to weaken a democratic electoral solution. At this time I wish to express the satisfaction with which we Costa Ricans welcomed the elections last Sunday in El Salvador, which gave evidence of the massive participation of its people, in defiance of death.

68. But in addition to those reasons in favour of the pre-emptive participation of the Inter-American System, for us that pre-emptive participation constitutes a specific obligation, juridically binding for all the member States of the OAS.

69. In this regard, we do not share the argument voiced by some delegations and more or less accepted by others that each member State of regional organizations or pacts has the option of resorting to those organizations or to the procedures envisaged in those pacts, or directly to the Security Council; that would have the obvious effect of impelling the other State or States party to the dispute to submit to the procedures that best suit the first party. This statement is not only contrary to logic and equity, but also contradicts the applicable norms and principles of international law.

70. In the first place, from the standpoint of the Charter of the United Nations, Article 52 clearly imposes on Member States that are also members of regional arrangements or agencies at least the duty to undertake all possible efforts to achieve pacific settlement of local disputes through those regional organizations or pacts before referring them to the Security Council. The Council must first promote those regional procedures at the request of the interested party or on its own initiative.

71. This duty is in no way incompatible with the right, or rather the power, vested in all States under Article 54 to bring before the Security Council or the General Assembly any dispute or situation likely to endanger the maintenance of international peace and security. For the pre-emptive intervention of the regional system is neither exclusive nor definitive, but constitutes merely a procedure aimed at introducing order into the proceedings. It is as if the normal obligations of every citizen to exhaust administrative means before suing the State were incompatible with the power of access to the courts of law, or as if the establishment of successive bodies to hear jurisdictional cases beginning with lower tribunals implied an unacceptable limitation on the right to have recourse to higher tribunals.

72. But all this, which is quite clear so far as the Charter of the United Nations is concerned, is even clearer for member States of the OAS, among them States which are parties at the same time to the Inter-American Treaty of Reciprocal Assistance⁴ or the American Treaty on Pacific Settlement,⁵ to which Nicaragua and the United States belong. For at the United Nations, we only have the obligation to make efforts, whereas in the Inter-American System, we have a clear-cut and absolute duty to resort previously to those mechanisms of the regional system before turning to the Security Council or the General Assembly. Article 23 of the Charter of the Organization of American States and article 2 of the Inter-American Treaty of Reciprocal Assistance and articles II and L of the American Treaty on Pacific Settlement, which have been repeatedly mentioned in this debate, do not allow for varying interpretations.

73. It has been said that those obligations at the regional level must yield before the powers vested in States under the Charter of the United Nations to resort directly to the Security Council, because Article 103 of the Charter imposes the primacy of the latter over any regional arrangement, and because the inter-American instruments themselves provide that same reservation when they set forth that none of their provisions shall be interpreted as impairing the rights and obligations of member States under the Charter of the United Nations. In our view, both arguments are weak.

74. First of all, because Article 103 of the Charter, which sets forth considerable ascendancy for those provisions, does not in any way refer to the rights and still less the simple powers of States, but only to their obligations, and it is the obligations of States under the Charter that prevail over those contracted by States in other international conventions. This could not be otherwise, because any international agreement, regardless of its ranking or general content, limits the rights and powers of its States parties. That is its objective and its *raison d'être*. It would be absurd to claim that the general rights of Members of the United Nations could not also be limited by treaty.

75. Secondly, the provisions of article 137 of the Charter of the Organization of American States and article 10 of the Inter-American Treaty of Reciprocal Assistance are not applicable, since they merely establish criteria of interpretation and not a hierarchy of the importance of provisions, which is quite a different thing. Furthermore, the pre-emptive priority of the regional system is purely procedural and not substantive. And lastly, there is no incompatibility between the obligation to which American States freely and sovereignly subscribe in signing the instruments of the regional system and the final, superior competence recognized for the Security Council in matters dealing with the maintenance of international peace and security. There is no question of the competence of the Council involved here, nor of the sub-

stantive rights of States, but rather a question of procedural order, which the Charter of the United Nations itself provides for and fosters.

76. An interesting example of how we should understand article 2 of the Inter-American Treaty of Reciprocal Assistance is offered by the Protocol of Amendment⁶ to that Treaty, subscribed to at San José on 26 July 1975—although it has not yet received the more than half of the necessary ratifications for its entry into force. Actually, while article 2 of the existing text of the Rio de Janeiro Treaty establishes that:

“the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations”.

in the Protocol of Amendment I have mentioned—which is not yet in force, obviously because when it was being subscribed to, the thesis of bypassing the regional system now being expressed in the Council prevailed—the obligatory character of article 2 was changed to read:

“The High Contracting Parties shall make every effort to achieve the peaceful settlement of disputes through the procedures and mechanisms provided for in the Inter-American System before submitting them to the Security Council of the United Nations.

“This provision shall not be interpreted as an impairment of the rights and obligations of the States Parties under Articles 34 and 35 of the Charter of the United Nations.”

77. To us it is clear that if the provision in article 2 of the Inter-American Treaty of Reciprocal Assistance was changed it was because it had to be changed to align it with the text of the Protocol of Amendment, which, although it is not in force, has been supported in the Council by those who uphold Nicaragua's right to come directly before it, bypassing the pre-emptive role of the regional system.

78. Costa Rica respects and defends that pre-emptive jurisdiction. It has always respected and defended it, including in 1978, when it refused to sponsor and introduce to the General Assembly a draft resolution condemning the Somoza régime in Nicaragua for its concrete acts of aggression and threats of aggression against my country.⁷ At that time, Costa Rica rejected the direct participation of the United Nations, where we were assured of a comfortable majority of votes in our favour, invoking the pre-emptive jurisdiction of the Inter-American System, when we still did not even know whether we would have the necessary votes to support us.

79. The PRESIDENT (*interpretation from French*): The next speaker is the representative of the German Democratic Republic. I invite him to take a place at the Council table and to make his statement.

80. Mr. OTT (German Democratic Republic): Permit me, Sir, first of all to congratulate you on your assumption of the presidency for the month of April and to wish you success in that responsible office.

81. At the same time, the delegation of the German Democratic Republic wishes to pay its respects to the President of the Council for the month of March, the representative of the United States, Mrs. Kirkpatrick.

82. The delegation of the German Democratic Republic wishes to thank the members of the Council for giving it this opportunity to set forth my country's position on this important agenda item.

83. It is with deep concern and alarm that the German Democratic Republic is following current developments in Central America. In that area, too, the imperialist policy of confrontation and aggression is the cause of an extraordinarily aggravated situation.

84. As has been emphasized in the course of this debate by the representatives of many States, the United States and the most reactionary forces of the region constantly violate the sovereignty and territorial integrity of Central American States, and under the guise of the struggle against so-called international terrorism and totalitarianism, interfere massively in their internal affairs, negating the principle of a people's right to self-determination. There is no doubt that this contravenes the Charter of the United Nations.

85. A special target of this policy is revolutionary Nicaragua. A large-scale intervention in and aggression against that country is being prepared through subversive activities.

86. In the United States a political and psychological campaign of unprecedented scope has been launched against Nicaragua. Even high-ranking representatives of the United States Administration have quite openly made it known that, in breach of all the norms of international law, United States aircraft regularly violate the airspace of sovereign and independent Nicaragua and that, as *The Washington Post* reported on 10 March 1982, in the United States budget millions of dollars have been earmarked for the destruction of vital targets in Nicaragua. Further proof in support of these and many other facts has been furnished in the course of this debate. No slanders of the kind uttered against my country a few minutes ago can change those facts.

87. The Government of Nicaragua has repeatedly been compelled to protest against flagrant violations of that country's sovereignty and to notify the United Nations accordingly.

88. Meanwhile, the interventionist activities have assumed such proportions that the Government of National Reconstruction of Nicaragua has felt compelled to call for the urgent convening of the Council, in full accordance with the relevant provisions of the Charter.

89. The delegation of the German Democratic Republic supports this step, since we share the view repeatedly stated here that this dangerous policy not only threatens the security of the peoples and States of Latin America but also poses a serious danger to world peace. As was rightly noted in the communiqué of the meeting of the Ministers for Foreign Affairs and heads of delegations of the non-aligned countries to the thirty-sixth session of the General Assembly, held from 25 to 28 September 1981, with reference to the dangerous United States policy in the Caribbean and Central America, "the policies of aggression, interference and intervention, pressures and economic or military blockades can only worsen the situation and endanger international peace and security even more." [*S/14713, annex, p. 16*].

90. The history of Latin America, and especially of Nicaragua, offers many examples that illustrate how the ruling circles of the United States have attempted to implement their thesis about the need to secure so-called "vital interests" or "spheres of influence" in that region. These examples range from the well-known Monroe Doctrine, direct intervention, warfare against liberation movements and massive military aid for the Fascist Somoza dictatorship, to the current moves.

91. However, times have changed. To an ever-increasing extent, the peoples themselves decide their own destinies. Thanks to the struggle waged by the peoples, new relations of international coexistence have come into being and shape has been given to a large edifice of norms of international law, a major pillar of which is the Charter of the United Nations. There is no room in present-day international life for the obsolete gun-boats policy.

92. The well-known proposals that have repeatedly been put forward by the Government of National Reconstruction of Nicaragua—again a few days ago here in the Council by the Co-ordinator of the Governing Junta, Daniel Ortega Saavedra [*2335th meeting*]—and the initiatives launched by the President of Mexico and the favourable responses to them from all parts of the world, may provide a solid foundation for a negotiated settlement that accommodates the vital interests of the peoples of Central America while at the same time eliminating a dangerous hotbed of tension.

93. The people of the German Democratic Republic has for many years been linked by fraternal ties with the heroic people of Nicaragua. The German Democratic Republic demands the cessation of hostile acts against that sovereign State Member of the United

Nations and supports the demands and proposals made to achieve a peaceful solution of that dangerous conflict.

94. The PRESIDENT (*interpretation from French*): The next name on the list of speakers is that of the representative of Iraq. However, as he does not appear to be in the chamber, I shall now call on the next speaker, the representative of Nicaragua.

95. Mr. D'ESCOTO BROCKMANN (Nicaragua) (*interpretation from Spanish*): Sir, I should like first of all to congratulate you most warmly on your assumption of the presidency. The fact that this has happened during the consideration of the case of Nicaragua is a twofold source of satisfaction for us. We are certain that your equanimity, wisdom and experience will greatly help towards the success of these meetings, which, as viewed by Nicaragua, would mean a reaffirmation of the fundamental principles of the Charter of the United Nations and the discarding of the illegitimate option of resorting to the use of force, the threat of force or intervention—whether direct, indirect or covert—against Nicaragua.

96. Nicaragua could not consider these meetings to be successful unless a firm appeal were to be made for the beginning of a systematic process of dialogue and negotiation as the only legitimate means to arrive at an understanding between my country and the Government of the United States, based on mutual respect and the principle of sovereign equality of States.

97. My Government asked for the convening of the Council because we considered that the escalation of aggression against Nicaragua on the part of the United States Government was unquestionable proof that that Government was preparing to implement the political decision to overthrow the Sandinist Government in order to restore in Nicaragua a system similar to that of the former admirers, defenders and allies of the Somoza tyranny.

98. This is not the right time for me to submit a list of the acts of aggression of which Nicaragua has been the victim from successive American Administrations practically from the beginning of our independence. I shall only recall that, after 70 years of American domination and of suffering under oppressive and antidemocratic Governments imposed and maintained by American forces of occupation or by puppet armies set up, trained and equipped by these same forces of intervention, Nicaragua, under the leadership of the Sandinist National Liberation Front, fulfilled its sacred pledge to be free or die in the struggle to obtain, consolidate and defend its freedom, which was won on 19 July 1979, at a high price of blood and martyrdom.

99. During our struggle for the liberation of Nicaragua we never harboured the illusion that the Government of the United States would applaud our

triumph, but we did choose to believe that, given the accomplished fact of our victory, the United States would accept it, tolerate it and, eventually, understand that the liberation of Nicaragua, like that of any other country, was a significant contribution to peace and stability in the region and in the world.

100. We were not mistaken as far as the response of the Carter Administration was concerned; it was able to understand that the liberation of Nicaragua could not be viewed as a threat to the legitimate interests of any country, and prospects opened up for beginning a whole process aimed at healing the still fresh and bloody wounds caused by the acts of aggression and American domination in Nicaragua. We were willing to offer an opportunity to redeem the credibility of those who throughout history had behaved as the enemies of our people and of our country. But this process of normalization of relations with those with whom we hoped to be friends some day was abruptly changed when President Ronald Reagan was chosen as the candidate of the Republican Party, whose political platform "deplored" the overthrow of Somoza and described our victory as "the taking-over of Nicaragua by the Marxists-Sandinists". The same document states: "We oppose the Carter Administration's programme of aid to the Government of Nicaragua", and the intention to intervene in our internal affairs can be seen from the following: "We shall support the efforts of the people of Nicaragua to establish an independent and free Government."

101. Aware of what was agreed to in the Republican platform on the question of Nicaragua, we were not at all surprised to see that, even before the taking of power by the President-elect of the United States, Ronald Reagan, a campaign of slander, threats and aggression was begun against Nicaragua to obtain not only discredit for the Sandinist popular revolution but also justification for American intervention in another Central American country.

102. Commander Daniel Ortega Saavedra, Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, has already put forward a synthesis of the various forms these threats, acts of aggression and slanders have taken against our country—to the point that, as I have said, we arrived at the conviction that direct or indirect invasion was no longer merely probable but had become imminent.

103. I shall send to the Members' respective Missions a much more detailed account than that Commander Daniel Ortega Saavedra presented here in his statement before the Council [*ibid.*] on all the acts of aggression that have occurred from January 1980 to March 1982.

104. Nicaragua's insistence that the Reagan Administration is directly involved in the acts of aggression and the aggressive plans against our country is not based solely or exclusively on information which we

have as a Government. The information given by the Assistant Secretary of State for Inter-American Affairs, Thomas Enders, to members of congressional select committees, in compliance with the requirements of the Hughes-Ryan amendment of 1976, is public knowledge in the United States. Many representatives who have taken part in these debates have referred to this type of information published in the most prestigious United States newspapers, among them *The New York Times* and *The Washington Post*. In that context, I should like merely to quote the following paragraphs from an article published in the magazine *The Nation*, entitled "Destabilizing Nicaragua: the CIA rides again":

"A covert operation directed by the Central Intelligence Agency against the Sandinist Government in Nicaragua is under way. According to two persons who were present at secret briefings held in November and December last, the Assistant Secretary of State for Inter-American Affairs, Thomas Enders, told members of the Select Intelligence Committees of the Senate and House of Representatives of the United States that the CIA is secretly providing training, money and weapons to former members of General Anastasio Somoza's National Guard, who are now carrying out armed incursions into Nicaragua from bases in Honduras. The funds are being channelled through friendly nations in Latin America.

"... the Assistant Secretary of State told the Congressmen that the purpose of the covert operation by the Central Intelligence Agency was to provoke uprisings in Nicaragua, using former Somoza guards, dissidents and the ethnic minorities of Nicaragua, as well as groups of exiles in the United States."

The article continued:

"The objective expressed in at least one of the Florida camps by the leaders of the Cuban exiles and the Nicaraguan Right is the overthrow of the Nicaraguan Government. Enders also stated when speaking to several Congressmen in informal meetings that the Administration 'was turning a deaf ear' to the United States Neutrality Law, since the exile groups are part of the covert operation."

105. On 12 November 1981, the Democratic Congressman from Massachusetts, Gerry E. Studds, asked Secretary of State Alexander Haig:

"Could you tell this Congress that the United States will not take part in or encourage, in any direct or indirect manner, any action aimed at overthrowing or destabilizing the Government of Nicaragua?"

Secretary Haig's reply was: "No, I cannot give such assurances." Given that reply, the Chairman of the Sub-Committee, the Maryland Democratic Congress-

man Michael Barnes, said: "On the basis of your replies; if I were a Nicaraguan I would be building my air-raid shelter." I do not think that the representative of the United States would venture to describe Representative Michael Barnes as paranoiac because of that remark.

106. On 15 November, at a press conference at West Palm Beach, Florida, the Secretary of State, Mr. Haig, in reply to a question said: "One must not discard the possibility of military action against Nicaragua."

107. On 22 November, Presidential Adviser Edwin Meese, in reply to a question on the CBS television network, said:

"At present we are envisaging several measures; there are several options. Many of them consist of pressure on Nicaragua by other countries of the region and other steps of which it would not be prudent to speak unless we were ready to take them."

108. On the same day, 22 November, while being interviewed on the United States ABC television network, Secretary of State Haig categorically refused to rule out the possibility of military action by the United States against Nicaragua and pointed out that he did not see the advisability of "limiting options".

109. On the same day, 22 November, Caspar Weinberger, the Secretary of Defense, stated on the NBC television network that the Central American region involved vital United States interests and that he could not rule out the possibility of military action, specifically that of a naval blockade.

110. On 14 February 1982, *The Washington Post* revealed that President Reagan had approved a large-scale plan that was allegedly aimed at opposing the Cuban presence in Nicaragua, and in particular provided for the instigation of operations undertaken by foreign Governments. That same day, when a reporter asked President Reagan whether he had approved any secret activity to destabilize the current Government of Nicaragua, Mr. Reagan replied: "Once again we are faced with something that comes under national security, and I have no comment."

111. On 15 March, just two weeks ago, terrorist commandos who came from Honduras blew up an important bridge over the Río Negro in the Chinandega Department, and caused serious damage to the bridge near the city of Ocotol, the capital of Nueva Segovia Department. Both bridges are situated close to the Honduran border. Upon questioning as to whether the CIA was implicated in the dynamiting of those strategic bridges, Edwin Meese, Adviser to President Reagan, replied that he was not in a position to affirm or deny the involvement of the CIA in those actions.

112. Today we heard the representative of the United States say that her country does not intend to invade Nicaragua [para. 6]. We thank her very much. But we are not satisfied, since nothing is said about other types of direct aggression or about indirect interventions through other forces, nor is reference being made to covert activities which the Reagan Administration has been financing and directing against Nicaragua.

113. But, while on the one hand the Reagan Administration has remained firm in support of its policy not to rule out the possibility of resorting to any type of direct or indirect, covert or overt aggression against my country and has been characterized by its aggression, slander and threats, on the other hand the Government of Nicaragua has maintained its resolve to achieve, through constructive dialogue on realistic bases, the normalization of its relations with Washington.

114. From the first days of the Reagan Administration we have been insistently calling for dialogue at the highest level with United States Government officials—an initiative which had always been systematically rejected up until August 1981, at which time, while there was no meeting at the level of Heads of State or Foreign Ministers, at least a meeting took place with Assistant Secretary Enders. Finally, in December 1981, thanks to the insistence of the Nicaraguan Government, a meeting took place with Secretary of State General Alexander Haig.

115. On the part of the United States, those meetings seemed to have had the basic objective of making the Government of President Reagan appear interested in reaching an understanding with Nicaragua, although this did not prevent them from resorting to threats or cause them to rule out the use of any economic, political or military means to strangle Nicaragua. Washington tried to handle the information about those meetings and the exchange of letters which followed as though Mr. Reagan's Administration had made important proposals at those meetings which Nicaragua had rejected. Nicaragua never rejected any proposal. What we did was to indicate the terms under which those proposals could be seriously considered.

116. For our part, expressing our wish to find peaceful solutions on a realistic basis, we brought to the thirty-sixth session of the United Nations General Assembly concrete proposals for achieving an effective and lasting peace in the Salvadoran conflict, which were disregarded by the Reagan Administration.

117. Likewise, at the Standing Conference of Political Parties of Latin America, which was held at Managua on 19 and 20 February of this year, the Sandinist National Liberation Front made a proposal aimed at establishing the bases for a lasting peace in the region, which consists of the following five points:

“One: Nicaragua reiterates its undertaking to pursue a consistent policy of non-alignment, expressed in the maintenance of relations with all countries of the world, irrespective of their economic, political and social systems, and especially with the countries of Latin America.

“Two: We consider it advisable to enter into non-aggression and mutual security agreements with our neighbours, on the basis of non-intervention and mutual respect.

“Three: We also consider it prudent to make an effort for the delimitation of military frontiers and for means of patrolling the common frontiers with Honduras and Costa Rica, with the aim of preventing irregular activities by elements opposed to any of the three Governments.

“Four: We stress our willingness to maintain friendly relations with the United States and to begin talks on any subject of mutual concern and interest directed in particular towards the negotiated settlement of disputes and the development of regional economic co-operation.

“Five: Those relations must develop on the basis of the fullest respect for the national sovereignty of Nicaragua, non-interference in our internal affairs, non-encouragement from outside of counter-revolutionary activities, non-aggression in the economic field, respect for our right to receive international co-operation and to aspire to a just international economic order, in circumstances which do not compel us to take strict measures for defence and survival. Nicaragua remains disposed to build on its revolution and its progress, within the framework of a mixed economy, pluralism and non-alignment, and to hold democratic elections not later than 1985.”

118. On 21 February, the President of Mexico, Mr. José López Portillo, made a proposal in Managua aimed at paving the way for a climate of détente, peace, democracy, stability and development in Central America. Nicaragua immediately supported the proposal by the Mexican leader and followed with particular interest the Casteñeda-Haig talks, after which we learned of the decision by the United States Government to hold a high-level direct dialogue with my Government. Once again, we expressed our readiness to take part in such a dialogue.

119. That readiness remains unchanged, but I must say that 12 days have gone by and we are still waiting for a reply from the United States in order to agree on a date, and since my Government cannot indefinitely put off international commitments while awaiting an uncertain reply, we have decided to travel tomorrow to the meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries at the ministerial level, which is to be held next week in Kuwait. Upon

our return, beginning on 15 April, we will once again be ready to hold meetings if the Government of the United States decides to do so.

120. On behalf of my Government, I should like to reiterate our thanks to you, Mr. President, and to all the members of the Council and to all representatives who have taken part in this debate; most of them have contributed positive elements which should be taken into account in overcoming the serious crisis in relations between the United States and Nicaragua.

121. In particular, we thank the Governments of Guyana and Panama, as well as all the other members of the Council who have actively and generously cooperated—thus reflecting a high degree of solidarity and love of peace—in drawing up a draft resolution [S/14941] which, without condemning or offending anyone, merely seeks to reaffirm the fundamental principles of the Charter and to rule out the threat or use of force against my small country, and in this manner to bring about a climate conducive to systematic dialogue and negotiation, which must begin between the United States and Nicaragua.

122. On behalf of the Government and the people of Nicaragua, I thank all of those present for the support given to this draft resolution.

123. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Iraq. I invite him to take a place at the Council table and to make his statement.

124. Mr. MOHAMMAD (Iraq): First of all, I should like to apologize for the misunderstanding about my place on the list of speakers. I wish to thank you, Mr. President, and through you, all the other members of the Council for having given me the opportunity to address the Council at this time, when it is pondering an issue which constitutes a threat to international peace and security.

125. The Council has been called together to consider an issue of extreme concern to my country, to all non-aligned countries, and to the entire third world. On 25 March, Commander Daniel Ortega, Co-ordinator of the Governing Junta of Nicaragua, made a statement in which he exposed the plot being hatched against his country [2335th meeting]. That plot is manifested in actions undertaken by the United States against his country. Those actions are clear evidence of the presence of a direct threat to his country.

126. In recent months, the United States has been exerting economic, military and diplomatic pressure against Nicaragua. The military training camps for Nicaraguan counterrevolutionaries in Florida, the naval and air bases in the area and the cruising of battleships off the coast of Nicaragua constitute a threat to Nicaragua's independence and security.

127. The actions of the United States and the statements made by its officials at high levels confirm the intention of the United States Administration to intervene in the internal affairs of Nicaragua. That flagrant interference in the internal affairs of Nicaragua will only lead to the destruction of that country's economic and political stability.

128. The people of Nicaragua, having liberated themselves from tyranny, are now dedicated to the development and the building of their country, on the basis of social equality. That national social policy seems to frighten the United States and to affect its economic interests and its hegemonic policies in the area. The goal of United States policy is to liquidate the Nicaraguan revolution and the people's liberation movements of the region at the same time.

129. My country vigorously condemns that conspiracy and supports all the faithful and diligent efforts towards the reconstruction of Nicaragua, as well as the sovereignty of its people in the free choice of its own way of life. We are convinced that the Nicaraguan people will triumph in their just struggle, and my delegation believes that the only way out of the present tense situation is to put an end to the United States policy of intervention and aggression against Nicaragua.

130. The aggressive and interventionist policy of the United States against Nicaragua is a part of its over-all policy of increasing international tension and escalating threats against independent States. While we hold that policy responsible for endangering peace in Central America, we also hold it responsible for the deteriorating situation in the Middle East because of its unlimited military, economic and political support for the Zionist aggressors.

131. The Iraqi delegation supports the appeal made to the Security Council, in the statement by the Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua to express its support for a peaceful settlement, its rejection of the threat of the use of force, and its condemnation of any intervention in the affairs of the Republic of Nicaragua.

132. Mr. RIERA DÍAZ (Panama) (*interpretation from Spanish*): My delegation has asked to speak in order to introduce the draft resolution contained in document S/14941, on the complaint by Nicaragua. That draft resolution is the result of lengthy negotiations, and my country hopes that the Council will proceed to a vote as soon as possible.

133. Mr. KARRAN (Guyana): I spoke very briefly at the 2346th meeting of the Council in support of a point of order raised by the representative of Panama. In the spirit of brevity, Mr. President, I omitted certain courtesies: permit me now to extend to you congratulations on behalf of my delegation on your assumption of the presidency for the month of April.

There is already evidence that the month of April will be a month of intensive work for the Council, but we are confident that with your demonstrated diplomatic skill you will guide us successfully through our deliberations.

134. Sir, you succeed as President of the Council the very distinguished and competent representative of the United States, Mrs. Jeane Kirkpatrick. My delegation would like to express its appreciation to her for the tact, efficiency and professionalism with which she conducted the business of the Council during the month of March.

135. Guyana has asked to speak at this time because it is a co-sponsor of the draft resolution before the Council [S/14941]. That draft resolution contains certain basic elements: it reminds member States of the international community of their obligation to respect certain fundamental principles of the Charter of the United Nations, and of the condemnation by the General Assembly in its resolution 2131 (XX) of the use or threat of use of force. It appeals to Member States to refrain from the use of force, direct, indirect, overt or covert. It extends an invitation to all parties to the dispute to enter into dialogue and negotiation with a view to peaceful settlement of the problems now facing Central America and the Caribbean.

136. It does not stop there. The Council also calls upon all Member States to lend their support to this search for a peaceful solution to the problems of Central America and the Caribbean, and, as is usual in these cases, it requests the Secretary-General to keep the Council informed of developments.

137. The draft resolution does not seek to incriminate or to blame any party for the present crisis in the region of Central America and the Caribbean. It merely seeks, among other things, to crystallize the call that has been made by so many of the delegations that have made statements on this issue, namely, to bring all parties to the negotiating table with a view to peaceful settlement of the problems. It is primarily for that reason that my delegation is pleased to co-sponsor this draft resolution.

138. In conclusion, my delegation wishes to underscore its conviction that the situation in Central America has provoked such wide international preoccupation that it is proper that the Council, in the discharge of its primary responsibility for the maintenance of international peace and security, should address itself to it. Similarly, there can be no questioning of the right of any Member State, regional arrangements notwithstanding, to bring before the Council a matter of this nature. It is my delegation's hope that the draft resolution in document S/14941 will obtain the consensus of this Council.

139. The PRESIDENT (*interpretation from French*): I propose now to suspend the meeting for consultations.

The meeting was suspended at 2.30 p.m. and resumed at 6.30 p.m.

140. The PRESIDENT (*interpretation from French*): I understand that the Council is now ready to vote on the draft resolution before it [*ibid.*]. If there is no objection, I shall put it to the vote.

A vote was taken by show of hands.

In favour: China, France, Guyana, Ireland, Japan, Jordan, Panama, Poland, Spain, Togo, Uganda, Union of Soviet Socialist Republics

Against: United States of America

Abstaining: United Kingdom of Great Britain and Northern Ireland, Zaire

The result of the vote was 12 in favour, 1 against and 2 abstentions. The draft resolution was not adopted, the negative vote being that of a permanent member of the Council.

141. The PRESIDENT (*interpretation from French*): I shall now call on representatives who have asked to be allowed to make statements after the voting.

142. Mr. LICHENSTEIN (United States of America): The United States had hoped to be able to join in a consensus resolution of the Council, had hoped that it would be possible still to find common ground, still to make what we would regard and what we would have hoped our 14 colleagues would regard as a constructive contribution to the de-escalation of a situation of tension within Central and South America. We have unfortunately not been able to find that common ground.

143. We do not feel that the draft resolution, against which I have just voted, was in any way supportive of our own institution, the Security Council, or of the United Nations, or, indeed, of the experienced and well-established Inter-American System for the resolution and conciliation of disputes amongst member States.

144. As Mrs. Kirkpatrick said in her statement in this chamber today, part of the problem with this draft resolution has indeed been the definition of "the problem". From the point of view and perspective of the United States, the door to negotiation and conciliation—bilateral, regional and multilateral—is now open and has always been open. From the perspective of the United States, the allegations of Commandante Ortega were without foundation, are today without foundation and have always been without foundation. I reiterate again tonight that that door to negotiation and conciliation remains open.

145. The defect—I should say the further defect—of the draft resolution against which I voted is that it

failed to identify certain key elements of the true and genuine and urgent problem of Central and South America, a problem created in major part by the intervention of the Sandinista Junta in the affairs of its neighbours—intervention and adventurism sustained and supported and encouraged by other Powers both within this hemisphere and outside this hemisphere.

146. With reference to this draft resolution, we believe that its

“selective invocation and application of universal principles does not strengthen either the principles or the organizations dedicated to their realization and implementation. It breeds cynicism. It harms the United Nations. [It undermines the Inter-American System.] It mocks the search for peace.” [Para. 13 above.]

I have just quoted from remarks made earlier today by Mrs. Kirkpatrick.

147. I quote further:

“The Government of Nicaragua espouses and practises a very particular conception of non-intervention, a very particular conception of non-alignment—the kind that, in the end, saps the meaning and the power of both.” [Para. 25.]

148. I quote further from Mrs. Kirkpatrick’s statement:

“We desire to live at peace with all our neighbours. We shall continue our efforts to develop a constructive relationship with the Government of Nicaragua. Secretary of State Alexander Haig has made clear that we are prepared to work . . . on the basis of mutual respect to that end.

“Various proposals have been offered for conciliation among the nations of the region and the hemisphere. The United States, interested in the constructive resolution of tension and conflict,”—

and I might add, in common with the views, intentions and affirmations expressed in this chamber by many representatives of other American republics—

“remains ready to do its part to ensure peace in the region and to enhance the prospects for democracy and development for all [of the] people [of this hemisphere].” [Paras. 47 and 48.]

149. Sir Anthony PARSONS (United Kingdom): I made clear to the Council on 30 March the United Kingdom’s hope that the problems of the Central American region could be solved through negotiation and not through confrontation [234th meeting, para. 17]. With respect to the differences between Nicaragua and the United States, I stated that the Government of the United Kingdom hoped the necessary atmos-

phere of trust would be created for the two countries to re-establish a relationship based on friendship and co-operation [*ibid.*, para. 20].

150. We have carefully studied the terms of the draft resolution. We note that it gives great prominence, both in its preamble and in operative paragraph 2, to General Assembly resolution 2131 (XX). My delegation was unable to support that resolution in 1965 for reasons which were made known at the time and which remain cogent today. Moreover, in subsequent years, the General Assembly continued its work on the topic of non-intervention in the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. This work came to fruition in the adoption, by way of consensus, at the twenty-fifth session of the General Assembly, of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, including working on non-intervention. That was the annex to General Assembly resolution 2625 (XXV).

151. The United Kingdom also notes that the draft resolution on which the Council has just voted contains a reference to General Assembly resolution 2160 (XXI). As members of the Council may recall, the United Kingdom voted against that resolution. Lord Caradon, the British representative at the time, explained that he could not but oppose, on the grounds that it was in some respects inconsistent with international law and the Charter of the United Nations.⁸ Again, the subject of non-use of force was included within the terms of the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which, I repeat, was adopted by way of consensus.

152. The United Kingdom maintains its reservations about General Assembly resolutions 2131 (XX) and 2160 (XXI). For these reasons, my delegation was unable to support the draft resolution on which the Council has just voted.

153. The PRESIDENT (*interpretation from French*): I shall now speak in my capacity as representative of ZAIRE.

154. I had an opportunity to state the view of the Republic of Zaire on the substance of this matter during the general debate on the subject with which the draft resolution before the Council dealt. We feel that here we are faced with a problem which lends itself to a regional approach, particularly since the regional body involved is already seized of the matter and its activities are consistent with the purposes and principles of the United Nations. It is stated in paragraph 2 of Article 52 of the Charter that the Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to

achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

155. It is stated in paragraph 3 of Article 52 that the Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the States concerned or by reference from the Security Council.

156. Paragraph 1 of Article 33 of the Charter states that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, resort to regional agencies or arrangements, or other peaceful means of their own choice.

157. The draft resolution contained in document S/14941 seems not only to disregard but even to reject that approach, for reasons that are not clear and do not seem to us to be objective. Moreover, in this matter we were near—very near—to unanimous consensus, and we still do not understand why obstacles were raised to a consensus on this, as though a State Member of the United Nations could prefer to a unanimous resolution calling on the parties concerned to show moderation and non-use of force and to settle their dispute through negotiations and appropriate contacts the exacerbation of tension between two or more Member States.

158. That is the reason for the abstention of the delegation of Zaire.

159. I now resume my functions as PRESIDENT.

160. The representative of Nicaragua has asked to speak, and I call on him.

161. Mr. D'ESCOTO BROCKMANN (Nicaragua) (*interpretation from Spanish*): On behalf of my Government and my people I thank the 12 members of the Council who voted in favour of the draft resolution.

162. What has been vetoed here is not a draft resolution; what the United States has done is veto the fundamental principles of the Charter of the United Nations.

163. For our part, we reiterate what I myself said in my statement earlier: Nicaragua is ready to embark as soon as possible on fruitful dialogue with the United States. I should like to repeat what I said earlier:

“We stress our willingness to maintain friendly relations with the United States and to begin talks on any subject of mutual concern and interest, directed in particular towards the negotiated settlement of disputes and the development of regional economic co-operation.

“Those relations must develop on the basis of the fullest respect for the national sovereignty of Nicaragua, non-interference in our internal affairs, non-encouragement from outside of counter-revolutionary activities, non-aggression in the economic field, respect for our right to receive international co-operation and to aspire to a just international economic order, in circumstances which do not compel us to take strict measures for defence and survival. Nicaragua remains disposed to build on its revolution and its progress, within the framework of a mixed economy, pluralism and non-alignment . . .” [*para. 117 above*].

The meeting rose at 6.50 p.m.

NOTES

¹ General Assembly resolution 37/37.

² General Assembly resolution 37/6.

³ General Assembly resolution 217A (III).

⁴ United Nations, *Treaty Series*, vol. 21, No. 324, p. 77.

⁵ *Ibid.*, vol. 30, No. 449, p. 55.

⁶ *Official Records of the Organization of American States. Serie sobre Tratados*, document OEA/Ser.A/1.Add. (SEPF).

⁷ General Assembly resolution 33/76.

⁸ *Official Records of the General Assembly, Twenty-first Session, Plenary Meetings*, 1482nd meeting, para. 66.

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