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THE SITUATION IN CENTRAL AMERICA: THREATS TO INTERNATIONAL PEACE AND SECURITY AND PEACE INITIATIVES

Letter dated 6 July 1989 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to the letters which I addressed to you on 5 April 1989 and 6 June 1989 (A/44/210 and A/44/304) concerning the request by the Government of Nicaragua that the United Nations verify the electoral process in that country.

I wish to inform you that, after sending several preliminary missions to Nicaragua and holding consultations with the Government, I have decided to establish a United Nations Observer Mission in Nicaragua for this purpose, as indicated in the exchange of letters with the Government of Nicaragua (see annexes I and II).

The financial implications of this operation, which is very likely to entail unforeseen expenditures, are being examined. As indicated in my letter of 5 April 1989, I shall present a statement of such financial implications to the General Assembly as early as feasible during its forty-fourth session.

(Signed) Javier PEREZ DE CUELLAR

* Reissued for technical reasons.

** A/44/50/Rev.1.

ANNEX I

Letter dated 5 July 1989 from the Secretary-General addressed to the Permanent Representative of Nicaragua to the United Nations

I have the honour to refer to the letter dated 3 March 1989 addressed to me by His Excellency Mr. Miguel d'Escoto Brockmann, Minister for Foreign Affairs of Nicaragua. In his letter, the Minister for Foreign Affairs referred to the Joint Declaration adopted by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua on 14 February 1990. The Joint Declaration of the Central American Presidents stated that the Secretary-General of the United Nations and the Secretary General of the Organization of American States would be invited to send a group of international observers to verify the electoral process in Nicaragua, which would culminate in national elections to be held no later than 25 February 1990. On the basis of that provision of the Joint Declaration, the Minister for Foreign Affairs requested me to establish a group of international observers for that purpose.

I wish to inform you that, acting within the terms of General Assembly resolution 43/24 of 15 November 1988, I am prepared to establish a United Nations Observer Mission to verify the electoral process in Nicaragua (hereinafter referred to as the Mission), with the terms of reference set forth in the annex to this letter. The decision to establish the Mission shall not, of course, be construed as any kind of value judgement as to the laws in force in Nicaragua governing the electoral process.

In order to facilitate fulfilment of the Mission's purposes, I propose that your Government, in implementation of its obligations under Article 105 of the Charter of the United Nations, should extend to the Mission and its members the status, privileges and immunities provided for in the Convention on the Privileges and Immunities of the United Nations, to which Nicaragua is a party. In particular, members of the Mission shall be accorded the status of experts on mission within the meaning of article VI of the Convention.

In addition to the privileges and immunities provided for in the Convention, I further propose that the Mission should be granted the following facilities in Nicaragua: unrestricted freedom of movement within all electoral districts, unrestricted access to all polling stations and unimpeded contacts with all political parties.

I also propose that the size and composition of the Mission should be the subject of a separate exchange of letters between your Government and myself.

I wish to inform you that I shall keep the General Assembly informed of the Mission's activities.

If the foregoing, including the appendix to this letter, is acceptable to your Government, I have the honour to propose that this letter and your Government's hereto shall constitute an agreement between the United Nations and the Government of Nicaragua.

(Signed) Javier PEREZ DE CUELLAR

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APPENDIX

Establishment and terms of reference of the United Nations Observer
Mission to verify the electoral process in Nicaragua

1. By a letter dated 3 March 1989, the Minister for Foreign Affairs of Nicaragua requested the Secretary-General of the United Nations to establish a group of international observers whose mission would be to verify the electoral process in Nicaragua at every stage and in all electoral districts.
2. The Secretary-General, acting within the terms of General Assembly resolution 43/24 of 15 November 1988, in which the Assembly, inter alia, requested him to afford the fullest possible support to the Central American Governments in their efforts to achieve peace, has acceded to the request by the Government of Nicaragua and has established a United Nations Observer Mission to verify the electoral process in Nicaragua (hereinafter referred to as the Mission).
3. The terms of reference of the Mission are derived from the relevant agreements and joint declarations* of the Governments of Central America in their efforts to achieve peace in that region.
4. The Secretary-General and the Government of Nicaragua hereby agree that the Mission's mandate shall include the following functions:
 - (a) To verify that political parties are equitably represented in the Supreme Electoral Council and its subsidiary bodies (nine regional electoral councils and 4,100 electoral boards).
 - (b) To verify that political parties enjoy complete freedom of organization and mobilization, without hindrance or intimidation by anyone.
 - (c) To verify that all political parties have equitable access to State television and radio in terms of both the timing and the length of broadcasts.
 - (d) To verify that electoral rolls are properly drawn up.

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- * (1) Procedure for the establishment of a firm and lasting peace in Central America (Esquipulas II agreement), signed at Guatemala City on 7 August 1987.
- (2) Joint Declaration of the Central American Presidents, issued at San Jose, Costa Rica, on 16 January 1988.
- (3) Joint Declaration of the Central American Presidents, signed at Costa del Sol, El Salvador, on 14 February 1989.

(e) To inform the Supreme Electoral Council or its subsidiary bodies of any complaints received or any irregularities or interference observed in the electoral process in order to ensure that the process is conducted in the best possible manner. Where appropriate, the Mission could also request information on any remedial action that might be required.

(f) To submit reports to the Secretary-General, who shall in turn inform the Supreme Electoral Council where appropriate. Reports shall be factual and objective and shall include comments or conclusions that reflect the Mission's role in verifying the electoral process.

ANNEX II

Letter dated 6 July 1989 from the Permanent Representative of Nicaragua
to the United Nations addressed to the Secretary-General

I acknowledge receipt of your letter dated 5 July 1989, which refers to the letter addressed to you by His Excellency Mr. Miguel d'Escoto Brockmann, Minister for Foreign Affairs of Nicaragua. In his letter, the Minister, on behalf of the Government of Nicaragua and in connection with the Joint Declaration adopted at Costa del Sol, El Salvador, on 14 February 1989 by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, requested you to establish a group of international observers to verify that the measures announced in the Declaration are implemented and that the electoral process is genuine at every stage.

In your letter, you inform me that, acting within the terms of General Assembly resolution 43/24 of 15 November 1988, you are prepared to establish a United Nations Observer Mission to verify the electoral process in Nicaragua.

On behalf of the Government of Nicaragua, I am pleased to express our satisfaction at your decision.

At the same time, I am pleased to inform you that my Government is in agreement with the other terms of your letter referring to the conditions under which the electoral process ought to be observed, and with the annex setting forth the terms of reference of the Mission.

With regard to the request in your letter for unrestricted freedom of movement within all electoral districts and unrestricted access to all polling stations, I wish to inform you that the Supreme Electoral Council, which is the State authority responsible for any decision on this subject, is being asked to grant your request, which we obviously realize is an essential prerequisite for proper verification of the electoral process.

(Signed) Alejandro SERRANO CALDERA
Ambassador
Permanent Representative
