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THE SITUATION IN CENTRAL AMERICA

Note by the Secretary-General

1. On 15 June, the Ministers for Foreign Affairs of Panama and Venezuela, accompanied by the Permanent Representatives of those countries and of Colombia and Mexico, visited me within the framework of the activity of the Contadora Group and in accordance with Security Council resolution 530 (1983).
2. During the visit, they handed me a copy of the communication with which, as they informed me, the Ministers for Foreign Affairs of the countries composing the Contadora Group transmitted personally to the Heads of State of the five Central American countries the draft comprehensive agreement known as the "Contadora Act on Peace and Co-operation in Central America", a document which is confidential in nature. The text of the above-mentioned communication is annexed to this note. The communication outlines the content of the draft Act and explains its legal and political implications. The purpose of the communication is to ascertain the views of the Central American countries with regard to the draft Act.
3. At the meeting, I was also informed of developments in Central America and of the headway made in the peace efforts being undertaken by the Contadora Group.
4. I wish to express my satisfaction at the information given to me regarding the progress achieved through the diplomatic approaches of the Contadora Group to the Central American Governments. I believe that the diplomatic process in the region has entered a decisive phase, in which the most determined support of the international community is more than ever necessary. For my part, I told the Ministers that, as always, I shall be prepared to co-operate with the Group and with the parties whenever this is considered advisable.
5. I also consider that every encouragement should be given to the decision announced by the United States of America and Nicaragua, on the occasion of their recent high-level meeting, to initiate a dialogue designed to contribute to the reduction of tension in the area.
6. I felt it appropriate to draw the foregoing to the attention of the members of the Security Council, in accordance with the provisions of resolution 530 (1983).

* Reissued for technical reasons.

ANNEX

Panama, 9 June 1984

On behalf of our respective Governments, we respectfully inform you of the advances made in the process of diplomatic negotiations being promoted by the countries which make up the Contadora Group. The purpose of our communication is to submit for your consideration a draft comprehensive agreement entitled "Contadora Act on Peace and Co-operation in Central America", which is aimed at summing up the important contributions that the five Central American Governments and the four Governments of the Contadora Group, working together, have made.

As you know, at the last joint meeting of the Ministers for Foreign Affairs of the countries of Central America and the Contadora Group, held on 30 April 1984, we agreed to carry out the task of ordering, systematizing and integrating the available materials and elements in order to prepare drafts which could become agreements for peace in the region. Our fundamental point of departure consisted of the reports submitted by the Commissions on Security, on Political Affairs and on Economic and Social Affairs, whose activities were carried out during the first four months of this year, with the participation of the nine Governments.

The texts of the commitments and recommendations adopted by consensus in the working commissions were faithfully adhered to in preparing the draft Act. Where absolutely necessary, the texts were amended to correct grammatical points or to harmonize the wording of the instrument as a whole. Where final agreement could not be reached, the wording used was one which attempted to reconcile the different existing views in order to reflect as closely as possible the opinions expressed during the entire process.

The legal implications of the Act deserve special comment. One striking feature of the negotiations between our nine countries is the effort to ensure that the agreements reached would establish a normative framework which would reflect the diversity and complexity of the problems and matters at issue. Thus, we took account of the positive experience we had accumulated, and we endeavoured to prepare a draft appropriate to the specific circumstances and characteristics of the conflicts in the region. We are well aware that no norm of international law prevents States from determining the form they wish to give the international instruments in which they express their political willingness to reach agreement. What gives these instruments a legal nature in the strict sense is the express willingness of the parties to determine the scope of their obligations. We arrived at the conclusion that the form of the Act is satisfactory for the purposes we are aiming at, given the fact that we are dealing with a flexible instrument which is capable of incorporating both declaratory and recommendatory elements and which, in addition, includes commitments of a legal nature that are legally binding on the parties.

The draft Act is subdivided according to the subjects dealt with by the three working commissions. First of all, it contains a preamble which includes the preambular paragraphs elaborated by the commissions themselves. Part I contains the legal commitments, both those of a general nature and those pertaining to

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particular subjects of a political, security, and economic and social character. Part II refers to the general and specific recommendations for each of the subjects dealt with.

Part III of the draft contains the aspects relating to the Verification and Control Commission, which, in our view, owing to its importance as a means for ensuring compliance with the Act in its various aspects, should be an integral part of it.

The nature of the legal commitments and the formulas for the settlement of disputes will be found in the final provisions, which constitute Part IV of the document. This part contains the provisions relating to the procedure to be followed in settling disputes which arise in connection with the application, execution or interpretation of the legal commitments and with respect to the adoption of the recommendations. It also states the role to be played in the process both by the Ministers for Foreign Affairs of the Central American countries and by those of the Contadora Group.

Also a part of the Act is an annex relating to concepts in security matters which were approved in the work of the Commission on Security. Further, it is accompanied by an additional protocol, which would be open for signature by other States of the international community having ties and interests in the region and through which they would undertake to respect the commitments made by the signatories to the Act.

We are certain that the Central American countries' points of view will be reflected in this draft. In some questions, of course, gaps had to be filled. Our greatest concern was to achieve a just balance that would satisfy the various and often conflicting interests in the complex panorama of the region. This hypothesis and the political determination of the Central American countries to find viable solutions for the grave crisis in the area and the constant threats that it may spread constitute the premise we started from. An effort was made at all times to bear in mind the essential objective of the process, which is specifically negotiation, a term that implies an effort for conciliation and harmonizing of interests.

In conclusion, Mr. President, we believe we have reached a crucial moment in our endeavour to bring about agreement and promote peace in the region. We share a similar view of the responsibilities incumbent on each of our countries. We therefore have no doubt that this draft will receive favourable consideration from your Government, since, taken all in all, it is the result of a collective effort in which we have all participated. The Contadora Act on Peace and Co-operation in Central America is based on our conviction that finding an effective solution to the grave problems which the Central American region is experiencing at present is an inescapable imperative and that there is a genuine willingness to find such a solution.

We await the valuable opinions which you, Mr. President, would be willing to express to us, in the certainty that the contents of the Act will be enriched by having the benefit of your comments.

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We thank you for the interest and attention you have always shown us, and we take this opportunity to extend to you the renewed assurances of our highest consideration.

(Signed) Rodrigo LLOREDA CAICEDO
Minister for Foreign Affairs
of Colombia

(Signed) Bernardo SEPULVEDA AMOR
Minister for Foreign Affairs
of Mexico

(Signed) Oyden ORTEGA DURAN
Minister for Foreign Affairs
of Panama

(Signed) Isidro MORALES PAUL
Minister for Foreign Affairs
of Venezuela
