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GENERAL ASSEMBLY

Forty-fourth session
Items 26 and 34 of the
provisional list*

SECURITY COUNCIL
Forty-fourth year

JUDGMENT OF THE INTERNATIONAL
COURT OF JUSTICE OF

27 JUNE 1986 CONCERNING
MILITARY AND PARAMILITARY
ACTIVITIES IN AND AGAINST
NICARAGUA: NEED FOR
IMMEDIATE COMPLIANCE

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

Letter dated 7 August 1989 from the Permanent Representative
of Nicaragua to the United Nations addressed to the
Secretary-General

I have the pleasure to transmit herewith the political agreements signed by the President of the Republic of Nicaragua with the opposition parties on 4 August 1989 (see annex I) and the statement made by President Ortega at the conclusion of the national dialogue (see annex II).

I request you to have this note and its annexes circulated as official documents of the General Assembly, under items 26 and 34 of the provisional list, and of the Security Council.

(Signed) Alejandro SERRANO CALDERA
Ambassador
Permanent Representative

* A/44/150/Rev.1.

ANNEX I

POLITICAL AGREEMENT

On 3 and 4 August 1989, the President of the Republic of Nicaragua, Commander of the Revolution Daniel Ortega Saavedra, and representatives of legally constituted political parties, gathered at the Olof Palme Convention Centre at Managua, capital of the Republic, successfully concluded a national dialogue carried out in fulfilment of the agreements signed by the Central American Presidents on 14 February of this year at Costa del Sol, El Salvador.

The National Assembly Directorate, the Supreme Court and the Supreme Electoral Council were present throughout the national dialogue. Observers from the United Nations, the Organization of American States and the Centre for Democracy and members of the accredited diplomatic corps also attended.

As a result of the national dialogue, which was widely covered by the national and foreign media, the President of the Republic and the representatives of the political parties hereby

AGREE:

- I. To affirm before the Nicaraguan people and international public opinion, the common will to contribute to the success of the peace efforts that will have decisive momentum, at the forthcoming Central American presidential summit meeting at Tela, Honduras.

In this context, the Government of Nicaragua and the political parties call upon the Central American Presidents to approve the plan for the demobilization and voluntary relocation or repatriation of the irregular forces located in Honduran territory, in keeping with the Costa del Sol Agreement and in the framework of the Esquipulas II Agreements.

The Government of Nicaragua commits itself to promulgating a broad and unconditional amnesty law for those persons detained or being sought for having violated the Law for the Maintenance of Order and Public Security and related legislation, which would enter into effect upon completion of the plan for the demobilization and voluntary relocation or repatriation.

- II. The political parties call upon the Governments with interests in the Central American region to abstain from covert activities in the Nicaraguan electoral process.

All material support for political parties and alliances that participate in the elections should be undertaken in accordance with Nicaraguan Law.

III. The Government of Nicaragua and the political parties commit themselves to consolidating the necessary legal and political conditions for the development of a free and just electoral process, with equal conditions for all participating parties.

The political parties pledge, therefore, to submit lists of citizens for the formation of the ballot receiving boards as stipulated in the Electoral Law.

IV. The President of the Republic:

1. Will carry out a recruitment rescheduling for the Patriotic Military Service in such a way as to guarantee that no recruitment will take place in the period between September 1989 and February 1990.
2. Will immediately introduce legislation in the National Assembly to reform the Social Communication Media Law so that, in matters pertaining to elections, the application of this Law will be overseen directly by the Supreme Electoral Council.
3. Will immediately introduce legislation in the National Assembly to rescind Decree 10-74 (Law for the Maintenance of Order and Public Security). He will likewise introduce legislation in the National Assembly to reform article 494 of the Penal Code.
4. Will immediately introduce legislation in the National Assembly to amend the Law on Jurisdictional Duties of the Sandinista Police, rescinding the parts granting it jurisdiction.
5. In compliance with paragraph 2.1.2 of article 218 of the Electoral Law, 30 minutes of continuous air time will be allotted, from Monday through Saturday, for informational purposes to all participating parties or alliances of parties on Channel 2 of the Sandinista Television System during the period from 25 August to 2 December 1989. This period of free airspace will be programmed between 6 and 9 p.m. by the Supreme Electoral Council in consultation with the political parties or alliances, in accordance with article 109, paragraph 2, of the Electoral Law.
6. Will request the Directorate of the National Assembly to initiate immediately the discussion and approval of the Civil Service Law.
7. The Government of Nicaragua will immediately release prisoners sentenced for activities in violation of the Law on the Maintenance of Order and Public Safety who are in poor health as certified by the Human Rights and Peace Commission of the National Assembly or in accordance with the procedure established in the Penal Code.
8. The Government of Nicaragua will review the release of prisoners named in lists submitted by the political parties signatories to the present Agreement. The lists must demonstrate that the said prisoners are

members of the corresponding political parties and are detained for political activities.

9. The Government reaffirms the constitutional guarantees for the different types of property, so that they are not subject to confiscations, expropriations or interference on account of strictly political factors.
- V. The President of the Republic and the political parties signatories to this Agreement agree that the President and Vice-President of the Republic elected by popular vote in the 25 February 1990 elections will assume office on 25 April of the same year, following the procedures stipulated in article 149 of the Constitution.

The Government and the political parties signatories to this Agreement undertake to support the expedited approval of a transitory provision of the Constitution for the exclusive purpose of facilitating the assumption of office of the representatives elected to the National Assembly on 24 April.

- VI. The political parties signatories to this Agreement, with the support of the President of the Republic, propose to the Supreme Electoral Council the following:

1. That lists of registered voters be submitted to each party or alliance participating in the electoral process no later than 60 days before the elections.
2. That copies of the documents registering the opening and closing of registration and the appointment, closing of the vote and vote tally for each of the ballot receiving boards be submitted to each of the poll-watchers of each political party or alliance.
3. That duplicates of the electoral rolls be prepared, one to stay with the Supreme Electoral Council and the other with the corresponding Regional Electoral Council, from the period of voter registration until three months after the election.
4. That, once the vote tally has been concluded, one or two of the poll-watchers of the political parties or alliances on the ballot receiving boards be allowed to travel with the sealed packages of election documents to ensure their safety, in order that the votes may be recounted by the Regional Electoral Councils.
5. That the Supreme Electoral Council continue its efforts with foreign Governments and international organizations to obtain technical and financial assistance in order to initiate a permanent identification system for Nicaraguan citizens that will be completed before the 1996 elections.

6. That the guarantee that voting places will not be established within military installations be maintained and that military personnel register and exercise their right to vote with the ballot receiving board nearest to the military unit in question.
7. To prohibit the use of public buildings for election campaigning.
8. To make an appeal to all written media not to refuse to carry the propaganda of any political party or alliance.
9. That time on the communications media be distributed equally among parties and alliances.
10. That the prohibition on the use of State property and goods for party campaign purposes be enforced effectively.
11. That the right to campaign wherever there are concentrations of citizens with the right to vote be guaranteed.
12. That the right of poll-watchers to inspect the ballot box before the voting takes place be guaranteed.
13. That identification of each of the ballot receiving boards be submitted to the political parties or alliances no later than 10 days prior to the initiation of voter registration.
14. To guarantee that public employees do not conduct political party activities during office hours. No public or private employer may obligate his employees to carry out political campaigning.
15. To establish 29 September as the registration date for candidates for the National Assembly.
16. To establish the rates for air time on the radio and television that shall remain in effect during the election campaign period.
17. That a national seminar of election officials be organized for the poll-watchers of the political parties and alliances.
18. To extend the period for the presentation of poll-watchers from the political parties or alliances and that these be freely designated by the political parties or alliances.

The credentials sent by the political parties should be initialled and sealed immediately in the corresponding Regional Electoral Council.

19. That freedom be guaranteed so that all parties or alliances may conduct opinion polls without any legal restrictions whatsoever, the sole exception being the full publication of the questions and technical details of the poll. During a period beginning 30 days before the election, no more opinion polls may be conducted.

20. To guarantee compliance with article 206 of the Electoral Law regarding fuel, lubricants and supplies for election propaganda.
21. That election campaign financing be granted no later than eight days after the registration of candidates for the presidency and vice-presidency.
22. To guarantee free access of official observers to the ballot receiving boards, regional tally centres and the national tally centre, as well as to election documents and any activity of legally registered parties.
23. That for voting purposes nail polish remover be applied followed by indelible ink to stain the voter's finger.
24. When more than 400 citizens register to vote with a single ballot receiving board, new voting booths for secret voting will be installed with sufficient identification lists and ballot boxes so that the voting may be completed within the time established in the Law.
25. That a secret vote be guaranteed and that the vote count be done in the presence of ballot receiving board members and their alternates, poll-watchers and observers.
26. To guarantee access to the regional and national tally centres for presidential and vice-presidential candidates and board members of political parties and alliances registered in the election process.
27. That the administrative personnel of electoral bodies be appointed on a pluralist basis.
28. That stipends and transportation costs for the poll-watchers of the parties on the ballot receiving boards be ensured.
29. That voter registration be carried out during the first four Sundays of October 1989.
30. The Supreme Electoral Council will establish a consultative body made up of seven members chosen on a pluralist basis in accordance with article 202 of the Electoral Law.

The conservative Democratic Party registers its disagreement with the second paragraph of point V relating to the assumption of office of the elected representatives of the National Assembly.

Managua, 4 August 1989

Daniel Ortega Saavedra
PRESIDENT OF THE REPUBLIC OF NICARAGUA

LEGAL REPRESENTATIVES OF THE PARTIES

Bayardo Arce Castaño
Commander of the Revolution

Sandinista National Liberation Front

Erick Ramírez

Social Christian Party

FOR THE PARTIES

National Conservative Party
National Action Party
Independent Liberal Party
Communist Party of Nicaragua
Nicaraguan Socialista Party
National Confidence Democratic Party
Popular Social Christian Party
Conservative Popular Alliance Party
Social Democrat Party
Neo-Liberal Party
Nicaraguan Democratic Movement
Liberal Constitutionalist Party

Silviano Matamoros

Duilio Baltodano

Jaime Bonilla

Eli Altamirano

Luis Sánchez

Eduardo Coronado

Liberal National Unity Party

Blanca Rojas

Central American Unionist Party

José María Zavala

Social Conservatism Party

Clemente Guido

Conservative Democratic Party

ANNEX II

Statement by the President of Nicaragua at the conclusion
of the dialogue with the political parties

Managua, 4 August 1989

As we sign this document today, 4 August, after a marathon day, we have completed almost 24 hours of uninterrupted work. We, all the Nicaraguans assembled here, representing the Government of Nicaragua and 21 legally registered parties, can say with great pride that the great winner is the Nicaraguan people; that the great winner is democracy; that the great winner is the self-determination of Nicaragua; that the great winner is the independence of Nicaragua; that the great winner is peace, which the people of Nicaragua longs for so much, calls for and demands.

Today, when we have expressed our will for peace in this historic act, I address myself also, on behalf of all Nicaraguans, to the international community and give thanks for all the support that it has given and that we are sure it will continue to give in order that Nicaragua may go forward. I also hope that the United States Government will respect this sovereign decision of the Nicaraguans meeting today, when we have signed this Agreement; that it will lead to a change in the policy of the United States towards Nicaragua; that the embargo will cease; that the war will cease; that the aggression will cease; that we, the United States of America and Nicaragua, can truly work for peace in Central America; that the Central American Governments will feel that this effort of the Nicaraguan people, the Government and the leaders of the legally registered political parties is their own; that the Government of Honduras feels itself stronger today, as President Azcona put it yesterday, in order to put into practice the Agreement on the demobilization of the Contras in Honduran territory.

On this historic day, we wish to convey our appreciation to all the Nicaraguan people, to those who have given their blood and their lives in these years of grief, to Nicaraguan mothers, to all those men and women of good will who have been working for peace and to His Eminence Cardinal Miguel Obando y Bravo who has been participating actively with the people of Nicaragua in this peace process.

Nicaraguan brothers, I am convinced that today we have managed to take a very important step towards that peace for which we have been struggling; that we have managed to take a very important step towards guaranteeing the right to life of Nicaraguans; that we have taken a very important step in the direction of working for the strengthening of a multi-party society with a mixed and non-aligned economy.

My thanks go to all the leaders of the legally registered political parties that have participated throughout this day, placing the national interests before the party interest. I believe that that was what effected the miracle of arrival at this historically transcendental Agreement today.