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

Letter dated 30 October 1984 from the Permanent Representatives
of Costa Rica, El Salvador and Honduras to the United Nations
addressed to the Secretary-General

We have the honour to transmit to you the consolidated text of comments on the revised version of the "Contadora Act on Peace and Co-operation in Central America" (A/39/562-S/16775, annex) made by the Ministers for Foreign Affairs of our countries at the end of the meeting of Central American Ministers for Foreign Affairs held at Tegucigalpa on 19 and 20 October 1984 (see A/39/563 and A/39/599).

The amendments to the Act relate to the following:

- (a) Implementation mechanisms after the signing and before the entry into force (part I, chap. III, para. 18);
- (b) Establishment of the interim ad hoc disarmament group between the date of the signing and the date of the entry into force of the Act (part II, para. 1 bis);
- (c) Verification and control machinery for security matters (part II, para. 2);
- (d) Regulation of military manoeuvres (part I, chap. III, paras. 16 and 17);
- (e) Entry into force of obligations regarding foreign military bases (part I, chap. III, para. 25) and foreign military advisers (paras. 27 and 28);
- (f) Fate of irregular forces (part I, chap. III, para. 35 (a));
- (g) Insertion of a section on displaced persons (part I, chap. IV, paras. 74, 75 and 76);

- (h) Amendments to part III, final provisions (paras. 2, 3, 5, 6, 7, 8 and 10);
- (i) The question of the Additional Protocol.

The Permanent Missions of Costa Rica, El Salvador and Honduras would like to point out that the aforementioned comments relate to the strictly operative part of the Act. Our Governments have no comments on the substantive obligations under the Act submitted by the Contadora Group.

It is useful to emphasize that this is the first time that the Central American countries have been directly involved in drafting the Contadora Act. Previously they had made their comments to the Contadora Group, which incorporated them as it saw fit.

This time our Ministers for Foreign Affairs, in the joint communiqué issued at Tegucigalpa on 20 October 1984 (A/39/599, annex I), stressed how important it was for the protagonists themselves to participate directly in the negotiation and drafting of the text, and for Nicaragua to demonstrate its commitment to regional conciliation by supporting the suggested amendments with a view to making the provisions of the Act operational and fully verifiable.

We should be grateful if you would have the attached text, the content of which was transmitted at the appropriate time to the States members of the Contadora Group and to the Organization of American States, circulated as a General Assembly document under agenda item 25.

(Signed) Fernando ZUMBADO
Ambassador
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the Republic of Costa Rica

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Permanent Representative of
the Republic of El Salvador

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ANNEX

CONTADORA ACT ON PEACE AND CO-OPERATION IN CENTRAL AMERICA -
AS REVISED AT THE MEETING OF CENTRAL AMERICAN MINISTERS FOR
FOREIGN AFFAIRS

Tegucigalpa, D.C., 20 October 1984

Asterisks *** indicate sentences or words which have been deleted.

Underlined sentences or words indicate texts which have been added to the revised draft Act.

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PREAMBLE

The Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua:

1. AWARE of the urgent need to strengthen peace, co-operation, confidence, democracy and economic and social development among the peoples of the region, through the observance of principles and measures that would facilitate a better understanding among the Central American Governments;

2. CONCERNED about the situation in Central America, which is characterized by a serious decline in political confidence; a profound economic and social crisis; a serious situation with refugees and displaced persons; frontier incidents; an arms build-up; arms traffic; the presence of foreign advisers and other forms of foreign military presence; and the use by irregular forces of the territories of certain States to carry out destabilizing operations against other States in the region;

CONVINCED:

3. That the tension and the present conflicts may worsen and lead to widespread hostilities;

4. That the restoration of peace and confidence in the region may be achieved only through unconditional respect for the principles of international law, particularly the principle which concerns the right of peoples to choose freely and without external interference the form of political, economic and social organization that best serves their interests, and to do so through institutions which represent their freely-expressed will;

5. Of the importance of creating, promoting and strengthening democratic, participatory and pluralistic systems in all the countries of the region;

6. Of the need to create political conditions designed to guarantee the security, integrity and sovereignty of the States of the region;

7. That the achievement of genuine regional stability hinges on the conclusion of agreements on security and disarmament;

8. That, in the adoption of measures aimed at halting the arms race in all its forms, account should be taken of the national security interests of the Central American States with a view to the establishment of a military balance in the region;

9. That military superiority as a political objective of the States of the region, the presence of foreign advisers and other foreign elements and the illegal traffic in arms endanger regional security and constitute destabilizing factors in the region;

10. That the agreements on regional security must be subject to an effective system of verification and control;

11. That the destabilization of the Governments in the region, generally taking the form of encouragement or support of the activities of irregular groups or forces, acts of terrorism, subversion or sabotage, the illegal traffic in arms and the use of the territory of a State for operations affecting the security of another State, is contrary to the fundamental norms of international law and peaceful coexistence among States;

12. That, in order to establish a military balance in the region, it is highly desirable to set maximum limits for military development, in accordance with the requirements of stability and security in the area;

13. That the elaboration of instruments to permit the application of a policy of détente should be based on the existence of political trust among States which would effectively reduce political and military tension among them;

14. RECALLING the provisions adopted by the United Nations concerning the definition of aggression, in particular General Assembly resolution 3314 (XXIX), and the relevant resolutions of the Organization of American States;

15. TAKING INTO ACCOUNT the Declaration on the Strengthening of International Security, adopted by the United Nations General Assembly in resolution 2734 (XXV), and the corresponding legal instruments of the inter-American system;

16. REAFFIRMING the need to promote national reconciliation in those cases where deep divisions have occurred within society, so as to permit the people to participate, in accordance with the law, in political processes of a democratic nature;

CONSIDERING:

17. That, on the basis of the United Nations Charter of 1945 and the Universal Declaration of Human Rights of 1948, various international organizations and conferences have elaborated and adopted declarations, covenants, protocols, conventions and statutes designed to provide effective protection of human rights in general, or of certain human rights in particular;

18. That not all Central American States have accepted the entirety of the existing international instruments on human rights, and that it would be desirable that they should do so in order to *** have a complete human rights régime in the interests of promoting the observance and guarantee of human, political, civil, economic, social, religious and cultural rights;

19. That in many cases the deficiencies of ***** inadequate domestic legislation interfere with the effective enjoyment of human rights as defined in declarations and in other international instruments;

20. That it should be the concern of each State to modernize * ***** its legislation so as to make it suitable for guaranteeing the effective enjoyment of human rights;

21. That one of the most effective ways of securing the enjoyment of human rights embodied in international instruments, political constitutions and the laws of individual States lies in ensuring that the judiciary enjoys sufficient authority and autonomy to put an end to violations of those rights;

22. That, to that end, the absolute independence of the judiciary must be guaranteed;

23. That that guarantee may be achieved only if judicial officials enjoy security of office and if the judiciary is ensured budgetary stability so that it may be absolutely and unquestionably independent of the other authorities;

CONVINCED ALSO:

24. Of the need to develop equitable economic and social structures in order to promote a genuinely democratic system and permit full enjoyment by the people of the right to work, education, health and culture;

25. Of the high level of interdependence of the Central American countries and the prospects which economic integration offers our countries;

26. That the magnitude of the economic and social crisis affecting the region has highlighted the need for changes in the economic and social structures that would reduce the dependence and promote ***** the self-sufficiency of the Central American countries, enabling them to reaffirm their own identity;

27. That Central American economic integration should constitute an effective tool for economic and social development based on justice, solidarity and mutual benefit;

28. Of the need to reactivate, improve and restructure the process of Central American economic integration with the active and institutional participation of all the States of the region;

29. That, in the reform of the existing economic and social structures and the strengthening of regional integration, the Central American institutions and authorities are called upon to assume primary responsibility;

30. Of the necessity and appropriateness of undertaking joint programmes of economic and social development which would help to promote economic integration in Central America in the context of the development plans and priorities adopted by each sovereign State;

31. Of the urgent need for substantial investment for the development and economic recovery of the Central American countries and of the efforts undertaken jointly by these countries to obtain financing for specific priority projects, and in view of the need to expand and strengthen international, regional and subregional financial institutions;

32. That the regional crisis has provoked massive flows of refugees and displaced persons, and that the situation demands urgent attention;

33. CONCERNED about the constant worsening of social conditions, including the situation with regard to employment, education, health and housing in the Central American countries;

34. REAFFIRMING, without prejudice to the right of recourse to other competent international forums, their desire to settle their disputes within the framework of this Act;

35. RECALLING the support given by the Contadora Group to United Nations Security Council resolution 530 (1983) and General Assembly resolution 38/10, as well as to resolution AG/RES 675 (XIII-0/83) adopted by the General Assembly of the Organization of American States; and

36. BEING READY to implement fully the Document of Objectives and the norms for the implementation of the undertakings made therein, adopted by their Ministers for Foreign Affairs in Panama on 9 September 1983 and 8 January 1984 respectively, under the auspices of the Governments of Colombia, Mexico, Panama and Venezuela, which comprise the Contadora Group;

Have agreed as follows:

CONTADORA ACT ON PEACE AND CO-OPERATION IN CENTRAL AMERICA

PART I

COMMITMENTS

CHAPTER I

PRINCIPLES AND GENERAL COMMITMENTS

THE PARTIES undertake, in accordance with their obligations under international law:

1. To abide by the following principles:

- (a) The principle of refraining from the threat or use of force against the territorial integrity or political independence of States;
- (b) The peaceful settlement of disputes;
- (c) Non-interference in the internal affairs of other States;
- (d) Co-operation between States in solving international problems;
- (e) The equal rights and self-determination of peoples and the promotion of respect for human rights;
- (f) Sovereign equality and respect for the rights inherent in sovereignty;

- (g) The principle of refraining from discriminatory practices in economic relations between States by respecting their systems of political, economic and social organization;
- (h) The fulfilment in good faith of obligations assumed under international law.

2. In pursuance of the foregoing principles:

- (a) They shall refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations and the Charter of the Organization of American States aimed against the territorial integrity, political independence or unity of any State, and, in particular, from any such action involving the threat or use of force.
- (b) They shall settle their disputes by peaceful means in accordance with the fundamental principles of international law embodied in the Charter of the United Nations and the Charter of the Organization of American States.
- (c) They shall respect the existing international boundaries between States.
- (d) They shall refrain from militarily occupying territory of any other State in the region.
- (e) They shall refrain from any act of military, political, economic or other form of coercion aimed at subordinating to their interests the exercise by other States of rights inherent in their sovereignty.
- (f) They shall take such action as is necessary to secure their frontiers against irregular groups or forces operating from their territory with the aim of destabilizing the Governments of other States.
- (g) They shall not permit their territory to be used for acts which violate the sovereign rights of other States, and shall see to it that the conditions obtaining in their territory do not pose a threat to international peace and security.
- (h) They shall respect the principle that no State or group of States has the right to intervene either directly or indirectly through the use of arms or any other form of interference in the internal or external affairs of another State.
- (i) They shall respect the right of all peoples to self-determination free from outside intervention or coercion by refraining from the threat or the direct or covert use of force to disrupt the national unity and territorial integrity of any other State.

CHAPTER II

COMMITMENTS WITH REGARD TO POLITICAL MATTERS

Section 1. COMMITMENTS WITH REGARD TO REGIONAL DETENTE AND CONFIDENCE-BUILDING

THE PARTIES undertake:

3. To promote mutual trust by every means at their disposal and to refrain from any action which might disturb peace and security in the Central American region;
4. To refrain from issuing or promoting propaganda in support of violence or war, and hostile propaganda against any Central American Government, and to abide by and foster the principles of peaceful coexistence and friendly co-operation;
5. Towards that end, their respective governmental authorities shall:
 - (a) Avoid any oral or written statement which might aggravate the situation of conflict in the area;
 - (b) Urge the mass media to help to promote understanding and co-operation between peoples of the region;
 - (c) Promote increased contacts between their peoples and a better knowledge of each other's peoples through co-operation in all spheres relating to education, science, technology and culture;
 - (d) Consider together future action and mechanisms for bringing about and solidifying a climate of stable and lasting peace;
6. Join together in seeking a regional settlement which will eliminate the causes of tension in Central America by safeguarding the inalienable rights of its peoples from foreign pressure and interests.

Section 2. COMMITMENTS WITH REGARD TO NATIONAL RECONCILIATION

Each PARTY recognizes vis-à-vis the other Central American States the commitment assumed vis-à-vis its own people to ensure the preservation of domestic peace as a contribution to peace in the region, and they accordingly resolve:

7. To adopt measures for the establishment or, as the case may be, the further development of representative and pluralistic democratic systems guaranteeing effective participation by the people, through political organizations, in the decision-making process, and ensuring the different currents of opinion free access to honest and periodic elections based on the full observance of the rights of citizens;

8. Where deep divisions have come about within society, urgently to promote actions of national reconciliation which will make it possible for the people to participate, with full guarantees, in genuine democratic political processes on the basis of justice, liberty and democracy, and, towards that end, to create mechanisms making possible, in accordance with the law, dialogue with opposition groups;
9. To adopt and, as the case may be, endorse, broaden and improve legal measures for a genuine amnesty which will enable their citizens, if need be, to resume full participation in political, economic and social affairs, and similarly, to guarantee the inviolability of life, the liberty and the security of person of those to whom such amnesty is granted.

Section 3. COMMITMENTS WITH REGARD TO HUMAN RIGHTS

THE PARTIES undertake, in accordance with their respective national laws and their obligations under international law:

10. To guarantee full respect for human rights and, towards that end, to comply with the obligations laid down in international legal instruments and constitutional provisions relating to human rights;
11. To set in motion the constitutional procedures necessary for them to become parties to the following international instruments:
 - (a) The 1966 International Covenant on Economic, Social and Cultural Rights;
 - (b) The 1966 International Covenant on Civil and Political Rights;
 - (c) The 1966 Optional Protocol to the International Covenant on Civil and Political Rights;
 - (d) The 1965 International Convention on the Elimination of All Forms of Racial Discrimination;
 - (e) The 1951 Convention relating to the Status of Refugees;
 - (f) The 1967 Optional Protocol relating to the Status of Refugees;
 - (g) The 1952 Convention on the Political Rights of Women;
 - (h) The 1979 Convention on the Elimination of All Forms of Discrimination Against Women;
 - (i) The 1953 Protocol Amending the 1925 Slavery Convention;
 - (j) The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;

- (k) The 1953 Convention on the Civil and Political Rights of Women;
 - (l) The 1969 American Convention on Human Rights, taking note of articles 45 and 62;
12. To prepare the necessary draft legislation and submit it to their competent internal organs with a view to accelerating the process of modernizing and updating their legislation, so as to make it more capable of promoting and guaranteeing due respect for human rights;
13. To prepare and submit to their competent internal organs draft legislation necessary for:
- (a) Guaranteeing the stability of the members of the judiciary, so that they can act without being subjected to political pressures, and themselves guarantee the stability of officials of lower rank;
 - (b) Guaranteeing the budgetary stability of the judiciary itself, so that it may be absolutely and unquestionably independent of the other authorities.

Section 4. COMMITMENTS WITH REGARD TO ELECTORAL PROCESSES AND PARLIAMENTARY CO-OPERATION

Each PARTY shall recognize vis-à-vis the other Central American States the commitment assumed vis-à-vis its own people to guarantee the preservation of internal peace as a contribution to peace in the region and to that end shall resolve:

14. To adopt ***** measures that guarantee the participation of political parties in electoral processes on an equal footing, ensuring that they have access to the mass communication media and enjoy freedom of assembly and freedom of expression.
15. They likewise commit themselves to:
- (a) Take the following measures:
 - (1) Promulgate or revise the electoral legislation with a view to the holding of elections that guarantee effective participation by the people;
 - (2) Establish independent electoral organs that will prepare a reliable voting register and ensure the impartiality and democratic nature of the process;
 - (3) Formulate or, where appropriate, update the rules guaranteeing the existence and participation of political parties representing various currents of opinion;
 - (4) Establish an electoral timetable and adopt measures to ensure that the political parties participate on an equal footing;

(b) Propose to their respective legislative organs that they should:

- (1) Hold regular meetings at alternating sites that would enable them to exchange experience, contribute to détente and foster better communication with a view to rapprochement among the countries of the area;
- (2) Take measures aimed at maintaining relations with the Latin American Parliament and its respective Working Commissions;
- (3) Exchange information and experience on the matters within their competence and collect with a view to comparative study, the electoral legislation in force in each country, together with related provisions;
- (4) Follow, as observers, the various stages in the electoral processes taking place in the region. To that end, the express invitation of the Central American State in which the electoral process is taking place shall be essential;
- (5) Hold periodic technical meetings in the place and with the agenda determined by consensus at each preceding meeting. The arrangements for the first meeting shall be made through consultations among the Central American Ministers for Foreign Affairs.

CHAPTER III

COMMITMENTS WITH REGARD TO SECURITY MATTERS

In conformity with the obligations contracted in accordance with international law, the PARTIES assume the following commitments:

Section 1. COMMITMENTS WITH REGARD TO MILITARY MANOEUVRES

16. To comply with the following provisions as regards the holding of military manoeuvres, with effect from the entry into force of this Act:

- (a) When national or joint, international or combined military manoeuvres are held in areas less than 30 (thirty) kilometres from the frontier, the appropriate prior notification to the neighbouring countries and the Verification and Control Commission, mentioned in Part II of this Act, shall be made at least 30 (thirty) days beforehand.
- (b) The notification shall contain the following information:
 - (1) Name;
 - (2) Purpose;

- (3) Participating forces;
- (4) Geographical location;
- (5) Timetable; and
- (6) Equipment and weapons to be used;

(c) Invitations shall be issued to observers from neighbouring countries.

[17.] [* Deleted because international or combined manoeuvres are already regulated in paragraph 16, and all the substantive security-related legal obligations must enter into force simultaneously.]

Section 2. COMMITMENTS WITH REGARD TO ARMAMENTS AND TROOP STRENGTH

18. To halt the arms race in all its forms, and immediately negotiate the establishment of maximum limits for armaments and the number of troops under arms, as well as their control and reduction, so that no country has the military capability to establish its hegemony or impose its will on any other country of the region with a view to establishing the military balance in the area. (*1)

On the basis of the foregoing, the PARTIES agree on the following implementation stages: (*2)

FIRST STAGE:

- (a) (Freeze): The PARTIES undertake to acquire no more military matériel pending the establishment of the maximum limits for military development within the time-limit stipulated for the second stage;
- (b) (Submission of inventories): The PARTIES undertake to submit to the Ad Hoc Disarmament Group their respective current inventories of weapons, military installations and troops under arms within a period of not more than 30 (thirty) days from the date of the signing of this Act.

(*1) This paragraph contains a formulation regarding implementation measures and timetables, which are dealt with in paragraph 21 of the revised version of the Contadora Act. It appeared to us more logical to place it here because such measures are the logical follow-up to the substantive commitment with regard to disarmament laid down in paragraph 18.

(*2) El Salvador places on record that the applicability of the obligations set forth herein are subject to the provisions of its constitutional legal order.

The inventories shall be prepared in accordance with the basic criteria set forth in paragraphs 7, 8, 9 and 18 of the annex to this Act, with the definitions contained in the annex and with the criteria and factors referred to in paragraph 22 (twenty-two) of this section;

- (c) (Technical studies for the negotiation of limits): Within 30 (thirty) days of the signing of this Act, the Ad Hoc Disarmament Group shall conclude the technical studies for the negotiation of maximum limits for the military development of the States Parties.

SECOND STAGE:

(Maximum limits for armaments, troops and military installations): Within 30 (thirty) days of the signing of this Act, the PARTIES shall establish within the following 30 (thirty) days:

- (a) Maximum limits for the types of weapons classified in paragraphs 7, 8, 9 and 18 of the annex to this Act, as well as timetables for their reduction;
- (b) Maximum limits for troops and military installations which each Party may have, as well as timetables for their reduction or dismantling.

The maximum limits referred to in subparagraphs (a) and (b) above, and the timetables for reduction, shall form an integral part of this Act and shall have the same legally binding force.

[THIRD STAGE:]

- [* Deleted because the new formulation makes it unnecessary.]

[FOURTH STAGE:]

- [* Deleted because unnecessary.]

- [* Possibility of changing time-limits: Deleted so that there will be certainty regarding the results of negotiations on maximum limits for armaments, troops and military installations.]

19. Not to introduce new weapons systems that alter the quality or quantity of current inventories of war matériel;
20. Not to introduce, possess or use chemical, biological, radiological or other weapons which may be deemed to be excessively injurious or to have indiscriminate effects;

- [*21. The content of paragraph 21 is included in paragraph 18 above.]

22. In order to satisfy the requirements of peace, stability, security and economic and social development of the countries of the region, the PARTIES agree on the following basic criteria for establishing the limits for the military development of the Central American countries:
- (a) No armed institution shall have the capability to impose its hegemony over the other armed forces of the Central American countries considered individually;
 - (b) The definition of national security shall take into account the current needs for the economic and social development of each Central American country;
 - (c) For the purpose of determining the maximum limits for the military development of the Central American countries, the following factors shall be considered:
 - (1) Evaluation of the internal and external security needs of the State;
 - (2) Area of the territory;
 - (3) Population;
 - (4) Nation-wide distribution of economic resources, infrastructure and population;
 - (5) Range and characteristics of land and sea boundaries;
 - (6) Military expenditure in relation to gross domestic product (GDP);
 - (7) Military budget in relation to public expenditure and other social indicators;
 - (8) Characteristics of geographical position, and geopolitical situation; and
 - (9) Level of advanced military technology suited to the region.
23. To initiate constitutional procedures so as to be in a position to sign, ratify or accede to treaties and other international agreements on disarmament, if they have not already done so.

Section 3. COMMITMENTS WITH REGARD TO FOREIGN MILITARY BASES

24. Not to authorize the installation in their respective territories of foreign bases or foreign military schools.
25. To close down any foreign bases or foreign military schools in their respective territories, in accordance with the timetable agreed on by the PARTIES, which shall form an integral part of this Act and shall have the same legally binding force for all the PARTIES. The timetable shall be agreed on by the PARTIES not later than 90 (ninety) days after the signing of the Act.

Section 4. COMMITMENTS WITH REGARD TO FOREIGN MILITARY ADVISERS

26. To provide the Ad Hoc Disarmament Group with a list of any foreign military advisers or other foreign elements participating in military, paramilitary and security activities in their territory, within 30 (thirty) days of the signing of this Act. The list referred to in this paragraph shall be prepared in accordance with the definitions contained in the annex.
27. With a view to the removal of foreign military advisers and other foreign elements likely to participate in military, paramilitary and security activities, the PARTIES agree to reduce the number of such persons, **** in accordance with the agreed timetable, which shall form an integral part of this Act and shall have the same legally binding force for all the PARTIES.

The timetable shall be agreed upon not later than 90 (ninety) days after the signing of the Act.

28. As for advisers performing technical functions related to the installation and maintenance of military equipment, a control register shall be maintained in accordance with the terms laid down in the respective contracts or agreements. On the basis of that register, the Ad Hoc Disarmament Group shall set reasonable limits on the number of such advisers, within the time-limit established in paragraph 27 above. The agreed limits shall form an integral part of the Act and shall have the same legally binding force for all the PARTIES.

Section 5. COMMITMENTS WITH REGARD TO THE TRAFFIC IN ARMS

29. To stop the flow of arms ***** towards persons, organizations, irregular forces or armed bands trying to destabilize the Governments of the States Parties.
30. To establish for that purpose *** control mechanisms at airports, landing strips, harbours, terminals and border crossings, on roads, air routes, sea lanes and waterways, and at any other point or in any other area likely to be used for the traffic in arms.
31. On the basis of presumption of established facts, to report any violations to the Verification and Control Commission. ****
31. (a) The reports may contain ***** evidence to enable the Verification and Control Commission to carry out the necessary investigation and submit such conclusions and recommendations as it may consider useful.
31. (b) Whenever appropriate, the following elements, among others, shall be taken into account for the purpose of verifying the report:
- (1) Source of the arms traffic;
 - (2) Persons engaged in the traffic;

- (3) Type of armaments, munitions, equipment and other military supplies;
- (4) Extraregional means of transport;
- (5) Extraregional transport routes;
- (6) Storage bases for arms, munitions, equipment and other military supplies;
- (7) Areas and routes in the intraregional traffic;
- (8) Intraregional means of transport; and
- (9) Receiving unit or destination.

Section 6. COMMITMENTS WITH REGARD TO THE PROHIBITION OF SUPPORT FOR IRREGULAR FORCES

32. To refrain from giving any political, military, financial or other support to individuals, groups, irregular forces or armed bands advocating the overthrow or destabilization of other Governments, and to prevent, by all means at their disposal, the use of their territory for attacks on another State or for the organization of attacks, acts of sabotage, kidnappings or criminal activities in the territory of another State.
33. To exercise strict control over their respective borders, with a view to preventing their own territory from being used to carry out any military action against a neighbouring State.
34. To disarm and remove from the border area any group or irregular force identified as being responsible for acts against a neighboring State.
35. Deny the use of and dismantle installations, equipment and facilities providing logistical support or serving operational functions in their territory, if the latter is used for acts against neighbouring Governments.
35. (a) The Verification and Control Commission, with the financial and logistical support of international organizations and Governments interested in bringing peace to Central America, shall undertake to place outside the Central American region - once they have laid down their arms - irregular forces which use for their purposes the territory of a State to which they do not belong, whether or not they later wish to benefit from the amnesty established under the following paragraph.

Irregular forces which lay down their arms in their own country shall be granted a full and unconditional amnesty by the respective Government, under the supervision of the Verification and Control Commission.
35. (b) To respect the commitments referred to in this section, without prejudice to compliance with treaties and other international agreements relating to diplomatic and territorial asylum.

Section 7. COMMITMENTS WITH REGARD TO TERRORISM, SUBVERSION OR SABOTAGE

36. To refrain from giving political, military, financial or any other support for acts of subversion, terrorism or sabotage intended to destabilize or overthrow Governments of the region.
37. To refrain from organizing, instigating or participating in acts of terrorism, subversion or sabotage in another State, or acquiescing in organized activities within their territory directed towards the commission of such criminal acts.
38. To abide by the following treaties and international agreements:
 - (1) The Hague Convention for the Suppression of Unlawful Seizure of Aircraft;
 - (2) The Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance;
 - (3) The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
 - (4) The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents; and
 - (5) The International Convention against the Taking of Hostages.
39. To initiate constitutional procedures so as to be in a position to sign, ratify or accede to the treaties and international agreements referred to in the preceding paragraph, if they have not already done so.
40. * [Became paragraph 35 (b).]**
41. To prevent in their respective territories participation in criminal acts committed by individuals belonging to foreign terrorist groups or organizations. To that end, they shall strengthen co-operation between the competent migration offices and police departments and between the corresponding civilian authorities.

Section 8. COMMITMENTS WITH REGARD TO DIRECT COMMUNICATIONS SYSTEMS

42. To establish a regional communications system which guarantees timely liaison between the competent government, civilian and military authorities, and with the Verification and Control Commission, with a view to preventing incidents.
43. To establish joint security commissions in order to prevent and settle incidents between neighbouring States.

CHAPTER IV

COMMITMENTS WITH REGARD TO ECONOMIC AND SOCIAL AFFAIRS

Section 1. COMMITMENTS WITH REGARD TO ECONOMIC AND SOCIAL MATTERS

With a view to intensifying the socio-economic development and the process of economic integration of Central America and strengthening the institutions representing and supporting them, the PARTIES undertake:

44. To reactivate, perfect and restructure the process of Central American economic integration, harmonizing it with the various forms of political, economic and social organization of the countries of the region.
45. To endorse resolution 1/84, adopted at the thirtieth Meeting of Ministers responsible for Central American Economic Integration held on 27 July 1984, which is designed to re-establish the institutional basis of the Central American economic integration process.
46. To support and promote the conclusion of agreements designed to intensify trade between Central American countries within the legal framework and in the spirit of integration.
47. Not to adopt among themselves any coercive or discriminatory measures detrimental to the economy of any of the Central American countries.
48. To adopt measures designed to strengthen the financial agencies in the area, including the Central American Bank for Economic Integration, supporting their efforts to obtain resources and diversify their operations, while safeguarding their decision-making powers and the interests of all the Central American countries.
49. To strengthen the multilateral payments machinery within the Central American Common Market Fund and to reactivate the machinery already in operation through the Central American Clearing House. In order to attain these objectives, recourse may be had to available international financial assistance.
50. To undertake sectoral co-operation projects in the area, such as those pertaining to the power production and distribution system, the regional food security system, the Plan for Priority Health Needs in Central America and Panama and others which would contribute to Central American economic integration.
51. To examine jointly the problem of the Central American external debt through an evaluation taking into account the domestic circumstances of each country, its payments capacity, the critical economic situation in the area and the flow of additional resources necessary for its economic and social development.
52. To support the elaboration and subsequent application of a new Central American tariff and customs régime.

53. To adopt joint measures to protect and promote their exports, integrating as far as possible the processing, marketing and transport of their products.
54. To adopt the necessary measures to confer legal status on the Central American Monetary Council.
55. To support ** the supplementary efforts CADESCA is making, in co-ordination with subregional agencies, to obtain from the international community the additional financial resources needed to revitalize the Central American economy.
56. To implement the international norms governing labour and, with the co-operation of ILO, to adapt their domestic laws to these norms, particularly those which are conducive to the reconstruction of Central American societies and economies. In addition, to carry out, with the co-operation of the aforesaid agency, programmes to create jobs and provide vocational training and instruction and also for the application of appropriate technologies designed to make greater use of the manpower and natural resources of each country.
57. To request the support of the Pan-American Health Organization and UNICEF, and of other development agencies and the international financial community, to finance the Plan for Priority Health Needs in Central America and Panama, adopted by the Ministers of Health of the Central American Isthmus at San José on 16 March 1984.

Section 2. COMMITMENTS WITH REGARD TO REFUGEES

The PARTIES undertake to make the necessary efforts:

58. To carry out, if they have not yet done so, the constitutional procedures for accession to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.
59. To adopt the terminology established in the Convention and Protocol referred to in the foregoing paragraph with a view to distinguishing refugees from other categories of migrants.
60. To establish the internal machinery necessary for the implementation, upon accession, of the provisions of the Convention and Protocol referred to in paragraph 58.
61. To establish machinery for consultation between the Central American countries and representatives of the government offices responsible for dealing with the problem of refugees in each State.
62. To support the work performed by the United Nations High Commissioner for Refugees (UNHCR) in Central America and to establish direct co-ordination machinery to facilitate the fulfilment of his mandate.
63. To ensure that any repatriation of refugees is voluntary, and is declared to be so on an individual basis, and is carried out with the co-operation of UNHCR.

64. To ensure the establishment of tripartite commissions, composed of representatives of the State of origin, of the receiving State and of UNHCR, with a view to facilitating the repatriation of refugees.
65. To reinforce programmes for protection of and assistance to refugees, particularly in the areas of health, education, labour and safety.
66. To ensure that programmes and projects are set up with a view to ensuring the self-sufficiency of refugees.
67. To train the officials responsible in each State for protection of and assistance to refugees, with the co-operation of UNHCR and other international agencies.
68. To request immediate assistance from the international community for Central American refugees, to be provided either directly, through bilateral or multilateral agreements, or through UNHCR and other organizations and agencies.
69. To identify, with the co-operation of UNHCR, other countries which might receive Central American refugees. In no case shall a refugee be transferred to a third country against his will.
70. To ensure that the Governments of the area make the necessary efforts to eradicate the causes of the refugee problem.
71. To ensure that, once agreement has been reached on the bases for voluntary and individual repatriation, with full guarantees for the refugees, the receiving countries permit official delegations of the country of origin, accompanied by representatives of UNHCR and the receiving country, to visit the refugee camps.
72. To ensure that the receiving countries facilitate, in co-ordination with UNHCR, the departure procedure for refugees in instances of voluntary and individual repatriation.
73. To institute appropriate measures in the receiving countries to prevent the participation of refugees in activities directed against the country of origin, while at all times respecting the human rights of the refugees.

Section 3. COMMITMENTS WITH REGARD TO DISPLACED PERSONS

The PARTIES agree

74. To regard as displaced those persons who have been forced to leave their customary residence, their property and their means of employment and have moved to another area of their own country in search of protection and personal safety and assistance in meeting their basic needs.
75. To establish internal machinery in each concerned country for implementing programmes for the protection, assistance and settlement of displaced persons and for making such persons self-supporting.

76. To request and obtain as appropriate from the international community the necessary assistance for displaced persons in each Central American country in which this social problem arises.

PART II

COMMITMENTS WITH REGARD TO EXECUTION AND FOLLOW-UP

The PARTIES decide to establish the following mechanisms for the purpose of executing and following up the commitments contained in this Act:

1. Ad Hoc Committee for Evaluation and Follow-up of Commitments concerning Political and Refugee Matters

(a) Composition

The Committee shall be composed of five (5) persons of recognized competence and impartiality, proposed by the States members of the Contadora Group and accepted by common agreement by the Parties. The members of the Committee must be of a nationality different from those of the Parties.

(b) Functions

The Committee shall receive and evaluate the reports which the Parties undertake to submit on the ways in which they have proceeded to implement commitments with regard to national reconciliation, human rights, electoral processes and refugees.

In addition, the Committee shall be open to any communications on these subjects, transmitted for their information by organizations or individuals, which might contribute useful data for evaluation.

The Committee, or any of its members or support staff acting on its behalf, may conduct whatever on-site investigations it deems necessary and appropriate, for which purpose the Governments of the Contracting Parties undertake to grant all necessary facilities immediately and without restriction.

On the basis of the aforesaid data, the Committee shall prepare a periodic report which, in addition to the evaluation, shall contain proposals and recommendations for improving implementation of the commitments. This report shall be submitted to the Parties and to the Governments of the Contadora Group.

The States Parties and the Contadora Group shall evaluate such report jointly and present the relevant recommendations to the Party or Parties concerned.

If the Party or Parties concerned do not implement the recommendations, the Parties and the Contadora Group may have recourse jointly to the various diplomatic means of persuasion within the time-limit set forth in the corresponding rules and, as a last resort, bring the report publicly to the knowledge of the Organization of American States and the United Nations Organization.

(c) Statute and rules of procedure

The Committee shall be governed by the attached Statute and shall draw up its own rules of procedure, which it shall make known to the Parties.

1 bis Ad Hoc Disarmament Group

(a) Purpose: The Ad Hoc Disarmament Group shall be set up to ensure the implementation of material acts designed to lend certainty and clarity to the commitments with regard to armaments and military forces contained in Part I, chapter III, section 2 of this Act.

(b) Composition: The Ad Hoc Disarmament Group shall be composed of representatives of the five Central American States and by representatives of four States which have not participated in the Contadora Group negotiating process, are of recognized impartiality and have the technical and financial capacity and the political will to co-operate for peace in the region.

The Non-Central American countries members of the Ad Hoc Disarmament Group shall be proposed by the Contadora Group and accepted by consensus, by means of consultations among the Central American countries.

(c) Duration: The Ad Hoc Disarmament Group shall be set up at the time of signature of this Act and shall remain in existence until the Act enters into force.

(d) Functions:

(d)1 To halt the arms race in all its forms, in accordance with the provisions of paragraph 18 of section 2 mentioned above.

(d)2 To ensure implementation of the material acts provided for under headings (a) (freeze) and (b) (submission of inventories) in paragraph 18.

(d)3 To make the technical study for the negotiation of limits provided for under the first stage in paragraph 18 referred to above.

(d)4 To conclude agreements, within the mandatory time-limits established in the second stage, concerning:

- Ceilings on the types of weapons classified in paragraphs 7, 8, 9 and 18 of the Annex to this Act, as well as timetables for their reduction.
 - Ceilings on troop numbers and military installations which each Party may have, as well as timetables for their reduction or dismantling.
- (d)5 To ensure the implementation of material acts designed to lend certainty to the commitments with regard to foreign military advisers contained in paragraphs 26, 27 and 28 of Section 4.

2. Verification and control machinery for security matters

(a) Composition: The verification and control machinery shall be composed of:

1. A Permanent Commission made up of representatives of the five Central American States and representatives of four States which have not participated in the Contadora negotiating process, are of recognized impartiality and have the technical and financial capacity and the political will to co-operate for peace in Central America.
2. An International Corps of Inspectors, made up of units of inspectors and the necessary administrative staff and coming from the four States chosen as provided for in the following paragraph.

The non-Central American countries members of the Permanent Commission and the International Corps of Inspectors shall be proposed by the Contadora Group and accepted by consensus by the Central American countries.

- (b) Organization and establishment: The duties and rights of the representatives of States composing the machinery shall be regulated by the Statute annexed to the Act, which shall contain provisions relating to administrative organization, privileges and immunities, means of transport and communication and other relevant matters. Both the Permanent Commission and the International Corps of Inspectors shall be established at the time when the Act enters into force.
- (b)1 Financing: The machinery shall be financed by means of funds which the Parties shall obtain prior to the signature of the Act, with the assistance of the Contadora Group.
- (c) Functions of the Permanent Commission:

1. In addition to the functions assigned to it in other parts of this Act, the Commission shall receive the reports of the International Corps of Inspectors on denunciations and facts which constitute violations of the security commitments entered into in this Act and shall communicate them to the corresponding Parties, evaluating their content but not changing it.
2. The Commission shall submit recommendations for a solution, penalty or additional investigation to the corresponding Parties in the event of any violation or non-compliance with the commitments with regard to security discovered by the International Corps of Inspectors.
3. The Commission shall transmit to the Central American Ministers for Foreign Affairs for a solution, with whatever recommendations it deems appropriate, reports on disagreements and disputes.
4. The Commission shall hold a meeting at the end of each six-month period to review and evaluate its functions and procedures and shall invite to such meetings observers from the Organization of American States (OAS) and the United Nations (UN).
5. The Commission shall be accorded every facility and prompt and full co-operation by the Parties for the optimum performance of its functions. It shall also ensure the confidentiality of all information elicited or received in the course of its investigations.
6. The Commission's final report shall be made public.
7. After the Commission is established, it shall draw up its own rules of procedure.

(d) Functions of the International Corps of Inspectors:

1. To verify full compliance by the Parties with the ceilings fixed previously for the various categories of weapons and military installations and troops under arms, as well as compliance with the agreed timetables for reductions.
2. To verify that no new weapons are introduced which would qualitatively or quantitatively alter the established ceilings, and to verify the non-introduction and non-use of weapons prohibited in this Act.
3. To verify the dismantling of foreign military installations, in accordance with the provisions of this Act.
4. To establish a register of *** transfers of weapons *** carried out by the PARTIES, including donations and other transactions carried out within or outside the framework of military assistance agreements with other Governments.

5. To verify the conformity of arms purchases for replacement purposes with the inventories and registers established previously.
6. To verify the withdrawal of foreign military advisers in accordance with the agreed timetable.
7. To verify compliance with this Act in respect of traffic in arms and to consider any reports of non-compliance. For that purpose, the following criteria may be taken into account:
 - (a) Origin of the arms traffic: this criterion calls for determination of the port or airport of embarkation of the arms, munitions, equipment or other military supplies intended for the Central American region.
 - (b) Personnel involved: persons, groups or organizations participating in the organization and conduct of the traffic in arms, including the participation of Governments, their representatives or intermediaries.
 - (c) Type of weapon, munitions, equipment or other military supplies: describing, under this heading, the category of weapons, their calibre and the country of manufacture, if the country of origin is not the same as the country of manufacture, and the quantities of each type of weapon, munitions, equipment or other military supplies.
 - (d) Extraregional means of transport: listing the means of land, maritime or air transport, including the nationality.
 - (e) Extraregional transport routes: indicating the traffic routes used before arrival in Central American territory, including stops or intermediate destinations.
 - (f) Bases for the storage of weapons, munitions, equipment and other military supplies.
 - (g) Intraregional traffic areas and routes: describing the areas and routes and participation or consent by Governments or governmental or political sectors, for the conduct of the traffic in arms, including frequency of use of these areas and routes.
 - (h) Intraregional means of transport: specifying the means of transport used, the ownership of the vehicles and the facilities provided by Governments or governmental or political sectors, indicating whether war matériel is being unloaded by clandestine flights, whether packages are being dropped by parachute, whether small launches loaded on the high seas or any other forms are being used.

(i) Receiving unit or destination: determining the identity of the persons, groups or organizations receiving the weapons.

8. To verify compliance with this Act with regard to irregular forces and the non-use of their own territory in destabilizing actions against another State, and to consider any reports in that connection.
9. To verify compliance with the procedures for notification of national or joint military manoeuvres regulated by this Act.
10. The Inspectors shall carry out their investigations by making on-site inspections, gathering testimony and using any other procedure which they deem necessary for the performance of their functions, being accorded every facility and prompt and full co-operation by the Parties.
11. The main headquarters and the national co-ordinating offices and installations of the International Corps of Inspectors in the five Central American countries shall enjoy adequate protection and be accorded facilities and assistance by the Parties for the effective performance of their functions.
12. The International Corps of Inspectors shall, wherever relevant, be governed by the operating rules which it adopts.

3. Ad Hoc Committee for Evaluation and Follow-up of Commitments concerning Economic and Social Matters

(a) Composition

- For the purposes of this Act, the Meeting of Central American Economic Ministers shall constitute the Ad Hoc Committee for Evaluation and Follow-up of Commitments concerning Economic and Social Matters.

(b) Functions

- The Committee shall receive the reports of the PARTIES concerning progress in complying with commitments concerning economic and social matters.
- The Committee shall make periodic evaluations of progress made in complying with commitments with regard to economic and social matters, using for that purpose the information produced by the PARTIES and by the competent international and regional organizations.
- The Committee shall present, in its periodic reports, proposals for strengthening regional co-operation and promoting development plans, with particular emphasis on the aspects mentioned in the commitments contained in this Act.

PART III

FINAL PROVISIONS

1. The commitments made by the PARTIES in this Act and in the annexes thereto are of a legal nature and are therefore binding.
2. This Act shall be ratified in accordance with the constitutional procedures established in each of the Central American States. The instruments of ratification shall be deposited with the Organization of Central American States (OCAS).
3. This Act shall enter into force eight days after the date on which the fifth instrument of ratification is deposited.
4. The PARTIES, as from the date of signature, shall refrain from any acts which would serve to frustrate the object and purpose of this Act.
- [5]. [Delete for constitutional reasons.]
6. Any dispute concerning the interpretation or application of this Act which cannot be settled through the machinery provided for in Part II of this Act, shall be referred to the Ministers for Foreign Affairs of the PARTIES for consideration and a decision, by consensus.
7. Should the dispute continue, it shall be referred to the Joint Meeting of the Ministers for Foreign Affairs of Central America and the Contadora Group, who shall meet at the request of any of the PARTIES.
8. The Ministers for Foreign Affairs of the States forming the Contadora Group shall, within the limits established in this Act, use their good offices to enable the parties concerned to resolve the specific situation brought to their attention. After this venue has been tried, they may suggest another peaceful means of settlement of the dispute, in accordance with Article 33 of the Charter of the United Nations, and article 24 of the Charter of the Organization of American States.
9. This Act shall not be subject to reservation.
10. Five years after the entry into force of this Act, the States Parties and the Contadora Group shall meet to evaluate it and to take whatever steps they deem necessary.
11. This Act shall be registered by the depository with the Secretary-General of the United Nations and with the Secretary-General of the Organization of American States in accordance with Article 102 of the Charter of the United Nations, and article 118 of the Charter of the Organization of American States.

ANNEX

The PARTIES hereby agree on the following definitions of military terms:

...

/...

ADDITIONAL PROTOCOL

[This item is under discussion since the possibility of presenting an alternative instrument in the form of a "Protocol of guarantor States" has been considered.]
