



General Assembly Security Council

Distr.  
GENERAL

A/44/839  
S/21004  
5 December 1989  
ENGLISH  
ORIGINAL: SPANISH

GENERAL ASSEMBLY  
Forty-fourth session  
Agenda items 12, 72, 83, 115 and 141  
REPORT OF THE ECONOMIC AND SOCIAL COUNCIL  
REVIEW OF THE IMPLEMENTATION OF THE  
DECLARATION ON THE STRENGTHENING OF  
INTERNATIONAL SECURITY  
PREPARATIONS FOR THE SPECIAL SESSION OF  
THE GENERAL ASSEMBLY IN 1990  
PREPARATION OF AN INSTRUMENT ON HUMAN  
RIGHTS BASED ON SOLIDARITY  
PEACEFUL SETTLEMENT OF DISPUTES BETWEEN  
STATES

SECURITY COUNCIL  
Forty-fourth year

Letter dated 4 December 1989 from the Chargé d'affaires a.i.  
of the Permanent Mission of Panama to the United Nations  
addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement of Mr. Leonardo Kam, Minister for Foreign Affairs of the Republic of Panama, to the General Assembly of the Organization of American States at its nineteenth session, held in Washington, D.C., from 13 to 18 November 1989.

I should be grateful if you would have this letter and its annex circulated as documents of the General Assembly, under agenda items 12, 72, 83, 115 and 141, and of the Security Council.

(Signed) Oscar CEVILLE  
Ambassador,  
Deputy Permanent Representative  
Chargé d'affaires a.i.

ANNEX

Statement of the Minister for Foreign Affairs of Panama  
to the General Assembly of the Organization of American  
States at its nineteenth session

16 November 1989

The world of today is going through fast-moving and profound changes, witnessing crucial dramas and facing new challenges. Some great dangers seem to have receded but others, more serious and complex, such as the economic deprivation suffered by much of the world's population, now loom more clearly. Peace and international security will only be fully achieved on the basis of a genuine spirit of justice and international co-operation, not through the domination of some nations over others or the subjection of some social groups to others. Participation and integration seem to be essential concepts and practices if mankind is to reach the third millennium with possibilities of progress and stability.

At this Assembly, we have had the honour of witnessing the entry of Canada to the Organization of American States as a new member and the admission of Belize as a permanent observer.

This reflects an awareness of the new times in which we are living. At the regional level, we must rise above the old patterns of domination and admit all the nations of the continent without distinction, discrimination or conditions of any kind. This will help to consolidate our Organization's principal function as a forum for inter-American co-operation. Its survival and effectiveness can only be guaranteed if it serves the interests of all its members in progress and justice and not the interests of a minority which has sought to use it for purposes of hegemony.

America, the continent of hope, is beginning to resemble a continent characterized by societies sunk in despair and fear. It is not possible or allowable, or even human, for political leaders throughout the continent to delay recognizing, actively and scrupulously, not only the decisions that are needed but the profound changes demanded by the present time in every corner of the region.

This requires a new model of development that will guarantee economic and social betterment, that will signify participation in the sharing of wealth and not the concentration of economic power in a few countries and small, privileged groups. The concentration of economic power in the hands of a few is a denial of the right to life of the many and the cause of social and political conflicts which in practice overflow the rigid ideological bounds of formal democracy.

Democracy, to meet with support in Latin American society, must direct its activities forthwith to answering the social needs of our peoples.

/...

In the international sphere, it is impossible to continue to face the apathy of the powerful towards the tragic scene of economic inequality presented by the region.

Wealth must not justify domination. On the contrary, it must open channels for just co-operation in a framework of brotherly solidarity; co-operation achieved not by force but by respect for the self-determination and dignity of States.

The problem of debt merits this Assembly's special attention, for this critical situation compels creditors and debtors alike to assume a shared responsibility that precludes unilateral decisions and calls for dialogue, in the context of a global understanding of world and regional economic realities; it cannot be solved by the narrow method of bilateral negotiation nor the usurer's unscrupulous practices. It is unacceptable for debt to be used immorally as an instrument of coercion to manipulate the political will of States to the detriment of their independence and national dignity.

As the celebration of the five-hundredth anniversary of the arrival of Columbus in the Americas approaches, our contribution to this significant event will consist also of a display of desolation, poverty, illiteracy, malnutrition, unemployment, debt, exploitation and inequality. Perhaps this forlorn picture will be the testimony that presents the world with the painful truth, showing that even after so long a time, exploitation and servitude, now brought to a pitch of perfection, continue to oppress a great part of the Americas.

On the eve of the commemoration of the five-hundredth anniversary of the encounter between Europe and the Americas, Panama raises a historic cry for economic justice and political freedom. America has no wish to go on being a land of lamentations, with political philosophies incapable of channelling its desire for complete renewal, nor does it wish to be a place of dreams and hopes extending like parallel lines to infinity; America today insists on being the scene of achievements that fulfil the designs of its Liberators.

The problem of the traffic in narcotic drugs is a sorry example of what happens when we act on the basis of ideology and, in simplistic fashion, interpret its impact according to selfish and transitory political interests. A plague of such terrible and growing dimensions cannot be warded off unless we face it with pitiless realism and with the political will to attack it at its roots, at its very origin.

Grandiloquent proclamations and exaggerations that seek merely to satisfy local and ephemeral requirements or to disguise other obvious defects in the social organism will serve us for nothing if the chief drug-consuming country, which is the source of these corrupting funds, declares that there is no political will to solve the fundamental problem thus rendering all our efforts pointless. Panama reaffirms its moral commitment to this cause, which is vital to the health, stability and progress of our peoples. We do so, Mr. President, on the basis of principle, and not in order to reap gratitude or earn humiliating certificates of good behaviour.

/...

This is a matter of the utmost concern to Panama, precisely because it is a victim of a distortion of the facts and because barefaced lies and false accusations are being used to strike at its position as a free and sovereign country.

Recently, we have been able to observe the return to international debate, in a positive atmosphere, of the theme of Argentine sovereignty over the Malvinas. We welcome the rapprochement which the United Kingdom and the Republic of Argentina have been able to achieve, and we trust that the process of decolonization will encompass these territories and that on a not-far-distant day we shall be able to celebrate the full restoration of the Malvinas to the territorial patrimony of the Argentine nation.

Because it still suffers from the aftermath of colonialism on its own soil, and because of the solidarity it has always maintained with all movements and activities seeking to end any situation or manifestation of colonialism, my country has proposed that this Assembly should adopt measures for the eradication of colonialism from the American continent before the end of the century.

We express our firm hope that the present climate of major changes and substantive concessions throughout the world will foster a spirit of generosity and understanding between the peoples of Bolivia and Chile so that a fair and amicable formula may be found whereby Bolivia's aspiration of an outlet to the sea may be satisfied.

In the convulsed situation of Central America, we find it deplorable that the United States continues to block the implementation of the political agreements between the region's elected leaders, as if those with the chief interest in peace were not the peoples who are sacrificing their lives and suffering destruction. There can be no authentic democracy in any nation while the Government of another nation plays a decisive and belligerent role in its domestic political processes.

The effective demobilization of the so-called "Contras", an end to foreign interference in the electoral process in Nicaragua and the sincere and rapid search for a negotiated political solution to the conflict in El Salvador, now living through tragic times, are not all that is needed to allow the region to return to its primary task of achieving progress for each of the peoples composing it. It is also essential for the Government of the United States to learn once and for all to accept the existence of differing social or political régimes on the American continent, as it has in respect of other continents.

The situation in regard to human rights is a theme that should move us to very serious reflection, above all to recognition of a manifest intent to use this noble cause as one more political weapon in a strategy of domination.

In the case of Panama, for example, it is particularly alarming that the element absent from all statements on human rights is that the Panamanian nation is suffering from an attempt on the part of the continent's most powerful Government to destroy it, and that in carrying out its intent this Government has had not the

/...

least scruple in engaging in the dirtiest manoeuvres, the most unlawful actions and the most blameworthy interventionist behaviour.

Though extenuating circumstances are taken into account in analysing human rights in other countries, the fact that the Government of the United States is committing overt and covert acts of war against Panama, that it has for two and a half years maintained a state of permanent hostility and constant threat, with scandalous interference in and unlawful occupation of the sovereign territory of the Republic, is nowhere recognized, written about or commented upon, and still less taken into account.

The Government of the United States has gone so far as openly to falsify the whole theme of human rights, using it at will to attack Governments it does not regard as friendly and covering violations with a mantle of complicitous ignorance when the transgressor enjoys Washington's official approval. This is one of the greatest challenges facing the Organization, and it ill becomes us to talk about strengthening it if we lend ourselves to a debate on this item in an atmosphere of mystification.

In the same spirit of awareness of the difficulties and problems shared by the nations of Latin America and the Caribbean, I wish to place on record my Government's disagreement with the United States Government's unilateral decision to increase the tolls on the Panama Canal, without the participation or approval of the Panamanian representatives, on the Governing Board of the Panama Canal Commission, the highest body in charge of Canal policy.

Panamanians regard the Canal as national property, part of the inalienable heritage of the Panamanian people, but we cannot in any way dissociate this concept from the needs of other countries. We are entitled to a usufruct which we are today denied in the interests of maintaining the colonial privileges of the United States employees of the Canal, financed in large part by the countries of Latin America, since the criteria used in determining the tolls mean that user nations are subsidizing the implementation of unilateral decisions and actions of the United States Government which have nothing to do with the efficient operation and maintenance of the Canal.

Without prejudice to going further into and expanding upon some of this information during the consideration of the item on Panama in the General Committee, let me now refer to the massive violations of international law committed by the United States against Panama for the ultimate purpose of ousting the Panamanian Government and installing a docile régime which will do its bidding, particularly in respect of its claims to extend its military presence in my country beyond 31 December 1999 when under the terms of the Panama Canal Treaty, United States armed forces must totally and definitively leave Panamanian territory.

Before describing the behaviour of the United States Government, I should like to read you a highly relevant extract from these Treaties, which, in a very different time, were signed in this very room, in the presence of almost all the representatives of the region. Article II of the Agreement in Implementation of

Article IV of the Panama Canal Treaty, entitled "Non-intervention principle" runs as follows:

"The members of the Forces or the civilian component, dependants, and designated contractors of the United States Forces shall respect the laws of the Republic of Panama and shall refrain from any activity inconsistent with this Agreement. Especially, they shall abstain from all political activity in the Republic of Panama as well as from any interference in the internal affairs of the Republic.

"The United States shall take all measures within its authority to ensure that the provisions of this Article are fulfilled."

For the last 29 months, the United States Government has been carrying out a series of actions demonstrating total disrespect for this and other unequivocal provisions of the Treaties.

Let me, for your information, draw attention to some of these:

Maintenance of its troops and war matériel stationed on Panamanian territory, outside the defence sites, in a state of constant readiness with intimidating and provocative intent, thereby creating - with war-planes buzzing residential areas and Panamanian military establishments, and military convoys passing along Panamanian roads and through Panamanian communities - a situation which presents serious danger of armed incidents; refusal to acknowledge the areas restored to Panama; non-fulfilment of the decisions of the bi-national military bodies; takeover of the purification plant which supplies water to Panama City and Colón; arbitrary detention of popular leaders and local and military authorities; incursion into and encirclement of buildings in which courts of law operate and the denial of access to them by judges; repeated closure of important routes of communication between the Pan-American Highway and the Trans-Isthmus Highway, thereby preventing the free transit of Panamanians; and temporary occupation of sports grounds, schools, hospitals and, most recently, a botanical garden.

Faced with the calm and prudent attitude of the Defence Forces, which have avoided fatal confrontations, the United States soldiers have sought to fabricate incidents among themselves in order to accuse Panama, but they have been unable to present any evidence that the Defence Forces have engaged in hostile action against the civilian population, installations or the United States army.

Furthermore, in respect of the operation of the Canal, I should like to draw attention to the following violations: holding sessions of the Panama Canal Commission without the participation of the Panamanian side; deciding to raise Canal tolls without the agreement of the Panamanian members of the Canal Commission; postponing indefinitely construction works urgently needed for the normal and efficient operation of the Canal in the next few years; withholding Panama's share of payment for the use of the Canal; and refusing to recognize appointments, promotion rights and improved working conditions for Panamanian employees of the Canal Commission.

/...

The Charter of our Organization establishes in article 19 that: "No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind."

In open violation of this norm, the United States has unleashed an economic war against the Republic of Panama by adopting, *inter alia*, the following measures: freezing the funds of the Banco Nacional de Panama in New York; prohibiting United States enterprises based in Panama from paying taxes to the Panamanian Government; seizing the property of the Panamanian State airline; holding back income tax deductions in respect of Panamanian employees of the Canal Commission; cancelling the sugar quota; excluding Panama from the benefits of the Caribbean Basin Initiative; and most recently, announcing that ships flying the Panamanian flag would not be permitted to dock in United States ports.

Furthermore, the freezing of funds and the rumour campaign skilfully orchestrated by the United States are causing serious damage to the Panamanian banking system and have given rise to a spiralling process of destruction and depression of all sectors of the economy.

The devastating effects of this outrageous economic aggression has resulted in a 25 per cent drop in the gross national product and has put our economic indicators back to the level they were 20 years ago, resulting in the impoverishment of the Panamanian nation.

Another example of how the United States rides roughshod over international law and totally disregards the sovereignty of the Republic of Panama is the arbitrary takeover of the building and property of the Panamanian embassy in Washington, D.C.

As we draw closer to 31 December 1999, the date when the United States presence in Panama is scheduled to end under the Torrijos-Carter Treaties, the United States will intensify its disinformation campaign against Panama abroad, while waging what is, in effect, a small-scale war within the country.

To conclude this list of shameful violations of international law, I should like to mention one in particular which is to occur very shortly.

According to the Canal Treaties, a Panamanian national, proposed by the Republic of Panama, is to become Administrator of the Canal as of 1 January 1990. In compliance with Panamanian Legal Procedure, in June 1989, the Legislative Assembly of my country chose a respected businessman and distinguished professional, Mr. Thomas Gabriel Altamirano Duque, to occupy this important position. Nevertheless, the United States Government has publicly stated that it will not accept the Administrator proposed by the Republic of Panama.

This event, which is about to occur, will constitute one of the most flagrant and unequivocal violations of the Treaties and, furthermore, will nullify one of the major victories of the Panamanian people.

/...

Panama respects and observes the principles and norms of the Charter of our regional organization. This Charter contains a genuine expression of respect for the sovereignty, territorial integrity and independence of the Member States.

Our Charter states categorically that under no circumstances is the Organization authorized to intervene in the internal affairs of the member States, since any action of that nature would transform it into a tribunal or an organ which could intervene at any time in the daily events of every American republic.

The Charter also recognizes our commitment to the promotion and consolidation of representative democracy while respecting the principle of non-intervention. In this connection, Panama wishes to place clearly on record its democratic aspirations, which are based not only on a traditional and legalistic approach but also on lasting community involvement.

It is common knowledge that, because of the repeated and open interference in our recent electoral process by the United States, which invalidated this exercise in self-determination by the Panamanian people, the elections, unfortunately, had to be annulled, as required by the Panamanian Constitution and legislation.

The overt United States involvement took the form of such infamous tactics as the following:

The United States armed forces, through its television station and its newspaper "Tropic Times" and by the use of armed and uniformed personnel and undercover agents, were active campaign allies of the opposition faction which is identified with the particular designs of the White House.

Fleets of automobiles leased by the United States were used illegally to bring about destabilization and to promote political disturbances.

Other United States employees in Panama also provided facsimile machines, photocopying machines, radios and portable transmitters for carrying out subversive activities.

A few weeks prior to the elections in addition to seizing numerous caches of arms and explosives, the Panamanian authorities discovered an extensive collection of television and radio interference equipment and prerecorded cassettes and videotapes with messages calling for public disturbance and subversive activities. The principal technician and operator of this set-up in Panama was a United States citizen hired by the United States Government; he has confessed.

Additional and conclusive proof of United States involvement was provided a few days before the elections, when it was disclosed, here in the United States, that the candidates of the opposition favoured by the United States had received more than \$10 million and, to top it all, one month prior to the elections, the President of the United States stated publicly that the Panamanian elections would be fraudulent and that he would only recognize an opposition victory.



As it is trying to do in Nicaragua, the United States held out to Panama the promise of enormous amounts of economic assistance to rebuild the economy which had been destroyed by United States mercenaries and interventions, adding, of course, that if the candidates favoured by the United States were not elected, more destruction would follow. In other words, it was saying, vote for the pro-United States candidates or the Panamanian people will have to endure further suffering.

To demonstrate its profound respect for the opinion and views of other Governments and knowing full well how public opinion about Panama had been manipulated, the Panamanian Government agreed to receive a Special Mission of the Organization of American States (OAS) which was offering its co-operation in finding compromise solutions to internal political problems that were outside the competence of the Organization.

We provided all possible facilities and made every effort without conditions, to reach a settlement that would not involve sacrificing our independence or jeopardizing our sovereignty. Indeed, if the failure of the OAS Mission to reach a compromise solution can be ascribed to any one cause, it must be blamed on the fact that the United States Government maintained a policy of aggression, pressure and intimidation throughout, and even resorted to the most explicit threats at the precise moment when the OAS Mission was in Panama, a fact to which the Mission members themselves can testify.

We wish to reiterate our thanks to the Foreign Ministers of Ecuador, Guatemala and Trinidad and Tobago and to the Secretary-General for their efforts in Panama. They, Mr. President, can best testify to the flexibility and political will of the Government in seeking to achieve agreement among the Panamanians.

Despite the efforts of the OAS Mission and the flexible attitude of the Government, a national agreement could not be reached, mainly because of foreign interference and the intransigence of the opposition.

In response to the situation and in order to avoid a power vacuum and a general destabilization of the national institutions, the National Government, through the General Council of State, issued decision No. 1 of 31 August 1989, establishing a Provisional Government as of 1 September 1989. This act is designed to ensure the preservation of the rule of law and is not a violation of the national Constitution but rather a political decision of a transitory nature. In March 1990, that decision will be evaluated with a view to determining if conditions are right for holding new elections, without interference or aggression by the United States Government, these being the major obstacles to the effective development of the Panamanian democratic process.

On behalf of my Government, I reaffirm here my Government's official and public commitment to holding free and genuine elections as soon as United States aggression against Panama ceases and conditions are right for the genuine exercise of democratic self-determination, free of intervention, interference or external pressures. Those countries that are genuinely interested in the democratization of Panama can make a valuable contribution to this process by calling upon the United

/...

States to cease its aggression against Panama. The sooner that takes place, the sooner there will be free elections in Panama.

Let our funds and our diplomatic mission be returned to us!

Let the economic, financial and trade sanctions against our country be lifted!

Let the agreements and the agreed international commitments be renewed, not with this Government, but with the Panamanian State!

Let the manoeuvres and war operations of the United States Armed Forces in our territory end once and for all!

Let the Canal Treaties be observed and implemented!

Let the intervention in our internal affairs cease!

Let the United States cease its policy of aggression, destabilization and coups against Panama!

Then we will move towards free and democratic elections.

The existence of the Provisional Government has not impeded the evolution of democracy in Panamanian society. There is active participation on a national scale, through grass-roots organizations and through local, community, municipal and provincial governments and also through the National Assembly of Representatives of Corregimientos (electoral districts). Furthermore, the political parties continue in existence and continue to be active.

The most recent and unequivocal evidence of United States interference in the internal affairs of Panama is the explicit approval at the highest levels of the United States Government of the planning, organization, support and execution of the surprise coup engineered by a group of officers of the armed forces on 3 October 1989; the coup was crushed within a few hours.

Another example of intervention in and disrespect for the Panamanian State, its authorities and its people, is the public announcement of an agreement between United States authorities to abduct or assassinate General Manuel Antonio Noriega, Commander-in-Chief of the Panama Defence Forces. The entire international community should be concerned by such events because they represent a real threat to all Latin American leaders who might well fall victim to the irrational wrath of the United States leaders, simply because they choose to follow another path than that desired by Washington, or because they steadfastly persist in upholding the dignity of their countries.

From Los Angeles, California, comes serious news, which is disturbing to peace-loving countries that abide by international law, confirming what I have just reported.

/...

The newspaper Los Angeles Times reports today that the Bush Administration, with secret approval of the Congress, has launched a new covert operation to depose the Commander-in-Chief of the Panama Defence Forces, General Manuel Antonio Noriega, using methods which could lead to his death.

The Central Intelligence Agency, the sinister CIA, has been authorized to spend \$3 million to recruit officers, mercenaries and dissidents to organize and carry out the coup. Three million dollars: how easily traitors and lackeys can be bought!

The United States Administration has included the possibility of using United States troops for this operation which, by Panama's count, is the fifth attempt against General Noriega. A source close to the operation reported that Noriega was wanted dead or alive.

Before the conscience of America, I denounce this new act of State terrorism perpetrated by the United States against Panama, which proves that the United States persists in its criminal aggression against my country and continues its international criminal conduct, using the basest and most despicable methods, which are condemned by international law.

The honourable Governments represented here cannot remain indifferent to this unconscionable action of the United States against the Republic of Panama and against the integrity of its dignitaries.

The unfolding of the various stages of these crushing acts of aggression against Panama, such as the one I have just reported, would seem to indicate that the United States can with full, total and absolute impunity commit any type of aggression against a small Latin American country, to the detriment of the dignity of this continent and in flagrant violation of various principles and norms of the Charter of this Organization.

This Assembly has rightly concluded that the strengthening of OAS requires, first and foremost, that we ensure strict respect for, and genuine compliance with, the principles of the OAS Charter. This strengthening will never be achieved if a powerful member of this organization is permitted systematically to violate the basic tenets of the organization and to attack another member State with impunity.

It is time to put an end to such flouting of the Charter!

The signing of the Panama Canal Treaties took place in these headquarters; the Presidents and Heads of State belonging to our organization witnessed the signing and are responsible for ensuring faithful compliance with the treaties; Panama therefore requests that the Organization of American States, by virtue of this fact and in accordance with its Charter, demand that the United States faithfully and strictly comply with the Torrijos-Carter Treaties and halt the aggression against the Panamanian nation. To act otherwise is to condone an insult to Latin American dignity, an indescribable affront to its leaders and complicity with imperial dictums.

/...

Lastly, I would like to reaffirm before the representatives of the States of this hemisphere that, despite the aggression, Panama will not budge an inch from its basic national objective, which is to carry to completion the formation of the Panamanian national State and to attain national independence through the conclusion of the decolonization programme outlined in the 1977 Panama Canal Treaties. That is our most valued and basic national interest, and the Panamanian people will surmount whatever obstacles are placed in their way, wherever they have to, in order to achieve it.

-----