



General Assembly

Distr.
GENERAL

A/44/855
8 December 1989
ENGLISH
ORIGINAL: SPANISH

Forty-fourth session
Agenda items 12, 82 and 141

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL
DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION
PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES

Letter dated 7 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 send you the text of the communiqué issued by the Government of the Republic of Panama on 5 December 1989, denouncing and condemning the appointment of a Panamanian citizen, Fernando Manfredo, as Acting Administrator of the Panama Canal, with effect from 1 January 1990. The announcement was made by the Government of the United States of America in flagrant violation of article III, paragraph 3 (c), of the Panama Canal Treaty and in contravention of its duty to fulfil in good faith the obligations assumed under the Charter of the United Nations.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda items 12, 82 and 141.

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

ANNEX

Communiqué issued by the Government of Panama on 5 December 1989

The Government of Panama denounces and condemns before national and world public opinion the appointment of a Panamanian national, Fernando Manfredo, to serve as Acting Administrator of the Panama Canal with effect from 1 January 1990, as announced today by the Government of the United States.

With this appointment, the United States Government is attempting to make the world believe that it is complying with the provisions of the Panama Canal Treaties signed in 1977, when in fact it is committing a flagrant violation of these Treaties, particularly of article III, paragraph 3 (c), the relevant text of which reads as follows:

"Beginning January 1 1990, a Panamanian national shall be employed as the Administrator and a national of the United States of America shall occupy the position of Deputy Administrator.

Such Panamanian nationals

"shall be proposed to the United States of America by the Republic of Panama for appointment to such positions by the United States of America".

Pursuant to that provision of the Treaty and to Act No. 16 of 1989 establishing the procedure for appointing the Panamanian Administrator of the Panama Canal, the Panamanian Government proposed Mr. Tomás Gabriel Altamirano Duque for that position.

No legal argument could justify any interpretation other than that expressed with absolute clarity in the text of the Treaties. It is even more inadmissible that political considerations or aspersions as to the legitimacy of the Panamanian Government should be invoked in order to disregard the United States Government's obligation duly to comply faithfully and fully with the agreed terms.

The Government of the Republic of Panama vigorously protests against this further violation of the Panama Canal Treaties, which demonstrates the United States Government's scorn for the fundamental principles of international law and makes a mockery of one of the basic achievements of the Panamanian people represented in those Treaties.
