



General Assembly

PROVISIONAL

A/44/PV.87
10 January 1990

ENGLISH

Forty-fourth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE EIGHTY-SEVENTH MEETING

Held at Headquarters, New York,
on Friday, 29 December 1989, at 10 a.m.

President:

Mr. PAWLAK
(Vice-President)

(Poland)

- The situation in Central America: Threats to international peace and security and peace initiatives [34] (continued)

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

89-64610/A 6389V (E)

In the absence of the President, Mr. Pawlak (Poland), Vice-President, took the Chair.

The meeting was called to order at 11:50 a.m.

AGENDA ITEM 34 (continued)

THE SITUATION IN CENTRAL AMERICA; THREATS TO INTERNATIONAL PEACE AND SECURITY AND PEACE INITIATIVES; DRAFT RESOLUTION (A/44/L.63)

The PRESIDENT: I propose that the list of speakers in the debate on this item be closed at 1 p.m. today. May I take it that the General Assembly accepts that proposal?

It was so decided.

Mr. GUTIERREZ (Costa Rica) (interpretation from Spanish): When last week the General Committee discussed the inclusion of a new agenda item to enable the General Assembly to consider the events in Panama, it was our position that that was totally contrary to the provisions of Article 12 of the Charter, which states that while the Security Council is discussing any dispute or situation, the General Assembly shall not make any recommendation with regard to that dispute or situation. Since the Security Council has concluded its consideration of the case, the Assembly can act. Our position has always been liberal with respect to the inclusion of new items and we would have favoured adding the new item. But the sponsors of the draft resolution before the Assembly decided to request that the Assembly meet under agenda item 34, "The situation in Central America", since that is an ongoing item.

It has always been hard for Central Americans to view Panama as a part of our region. We are used to the Central America of history: the five republics that formed a federal republic, that became independent together and that shared a

(Mr. Gutierrez, Costa Rica)

parallel development. The case of Panama is completely different: its independence came nearly a century later and was built around the canal linking the two oceans and around commercial activities. We cannot expect a similar reaction from those who look at a map and see the Central America of geography, of which Panama is unquestionably a part.

But to date the United Nations has discussed the problems of Central America without including Panama. Including it now is a change that cannot but be of concern to us. A whole series of actions taken by the General Assembly with respect to the situation in Central America had never been thought applicable to Panama, and we would want things to continue in the same way. That warning is based on no capricious desire to prevent a discussion of the question of Panama, but we believe that one of the reasons the United Nations became interested in Central American problems was the effort of the five Presidents of the Central America of history to work together for peace and democracy. The complications created by the inclusion of the situation in Panama will hamper future United Nations action on Central America, and we believe that that cannot be ignored.

Any Latin American with even a minimum knowledge of international affairs has been taught and been made aware of the importance to our region of the principle of non-intervention by an individual State in the internal affairs of another. The struggle our elders waged for more than 30 years to make the principle of non-intervention an essential basis of the inter-American system deserves our admiration and solidarity.

Thus, we cannot remain indifferent to the events of recent days in Panama. We have returned to the days before 1933, when Franklin Delano Roosevelt expressly accepted the elimination of the right of the United States to intervene by force in any Latin American country, a right claimed earlier in the century by another

(Mr. Gutierrez, Costa Rica)

President with the same surname. The present situation flouts the principle of non-intervention. Given those and many other circumstances, my Government believes that it will soon be necessary to think about what needs to be done to rebuild the badly damaged inter-American system to enable it to meet our hemisphere's need for peaceful coexistence.

We must realize that never in the Americas has there been a less legitimate Government than that lately led in Panama by General Manuel Antonio Noriega. The revolution begun by Omar Torrijos to give Panama sovereignty over its main natural resource began to sink into an ever-deeper abyss after the tragic - and still unexplained - death of Torrijos. The successors of Torrijos bred increasing fear in the majority of Panamanians. The fraud that brought Nicolas Ardito Barletta to power was followed by the beheading of Hugo Spadafora and violence against opposition forces. It later came to the annulment of this year's elections and the appointment of a provisional leader who did not even consider himself to be President of the Republic. It all ended with last week's farce, when the Panamanian Assembly named General Noriega Head of State and announced that a state of war existed between Panama and the United States.

(Mr. Gutierrez, Costa Rica)

Throughout that entire period there could and should have been action at the hemisphere level to attempt to resolve the Panamanian situation in favour of democracy, human rights and peace. The Government of Costa Rica exerted enormous efforts to bring that about. Time and again we asked the Organization of American States to take strong action to prevent the consolidation of dictatorship in Panama. In each case, General Noriega rejected the formulas that were being suggested, and the regional body's weakness prevented it from going beyond conciliatory gestures. We must recognize that the States of the region thus contributed to the perpetuation of the explosive situation of the Panamanians, which in turn led to a heightening of the crisis between that country and the United States, and that we did not fulfil our commitment to defend democracy throughout the region.

To all that we need only add the differences that had arisen with the United States over links to drug-trafficking, and we have the tension that led General Noriega to cloak himself in the mantle of injured national pride, to indulge in frequent provocations of American citizens, to the incidents that occurred two weeks ago and to the military action that took place last week.

Our reaction is one of sorrow over the new damage done the inter-American system, but, at the same time, it is also one of relief that the nightmare the Panamanian people have been experiencing in recent years has come to an end. The distressing situation of a neighbour, close to us in every sense, added to our already serious concern at the Central American crisis. We know, of course, that things cannot remain as they are. The truly important question, for Panama and for the rest of Latin America, is: "What now?"

There are those who may feel some justified satisfaction in condemning the United States action, the course being sought at this meeting. However, that is to look back. What is important for the future is to determine whether the

(Mr. Gutierrez, Costa Rica)

Panamanians, like all Latin Americans, have a right to participate in the flowering of democracy in the hemisphere, a right forever to enjoy freely elected Governments that will perform their jobs honestly and that will respect the human rights of their citizens.

Costa Rica believes that the Panamanians do have that right. Just as we have worked for peace, democracy and development in Central America, so we are now prepared to help the Panamanian people. We also believe that international bodies and all Member States of the Organization have the same duty as we and that they too should be so disposed. Panama must be helped to strengthen its independence and to rebuild its institutions on the basis of real and effective democracy and to attain social peace by developing a feeling of national brotherhood and solidarity. We must restore to that country the dynamic economy it enjoyed in the past in order that it can meet the needs of all its people. We must also eradicate the evils of militarism and drug-trafficking that have caused so much damage in recent years.

Those tasks fall within the general purview of the United Nations. The Organization is the conscience of the international community and, faced with the problems of one of its Members, we must act in solidarity and take positive action to help the afflicted State. The question of Panama has come to United Nations attention in a highly sensitive manner: by virtue of owing to the recent upheaval there. The Organization's task cannot be fulfilled through a draft resolution passing judgement on what has happened. We must think about the needs of the Panamanian people and of the present moment. Those needs must be at the forefront of our concerns. Costa Rica thus hopes that the spirit of human solidarity embodied in the Christian Christmas, which exists in other cultures as well, will shine on the Assembly and guide it to take action that will be of true benefit and significance for the Panamanian people.

(Mr. Gutierrez, Costa Rica)

My delegation also finds it highly significant that no mention of that benefit and wellbeing of the Panamanian people has been included in the draft resolution by its sponsors, which would seem to indicate that it is not of great concern to them.

Mr. NYAKYI (United Republic of Tanzania): At the time of the invasion of Panama by the United States two reasons were advanced in justification of that gross violation of the sovereignty and territorial integrity of one country by another. The first was an alleged declaration of war by Panama against the United States. The second was the death of an American soldier shot by a Panamanian soldier. As the full facts surrounding those incidents have become public knowledge, even the gullible have become confused and skeptical.

It transpires that the authorities concerned have been selective in their choice of which facts to reveal about the two incidents. The so-called Panamanian declaration of war against the United States turns out to be no more than a tendentious interpretation of a Panamanian National Assembly resolution that merely sought to acknowledge the existence of an imposed state of war. It states:

"It is declared that the Republic of Panama is in a state of war while there is aggression against the people of Panama from the United States of America." That is a very different thing from declaring war. To call that a declaration of war is to stretch the meaning of words rather far.

The case about the death of the American soldier is even more disturbing. Yes, an American soldier was killed by a Panamanian soldier. But, far from being the brutal killing of an American soldier going about his lawful business by a trigger-happy Panamanian soldier, the facts about the incident now show that the soldier was shot after failing to stop at a roadblock on Panamanian soil outside the Canal Zone. In other words, the vital information denied to the public is the fact that the victim was shot after failing to obey a lawful order.

(Mr. Nyakyi, United Republic
of Tanzania)

Similarly, no convincing evidence has been given of the alleged threat to American lives in Panama and to the integrity of the Panama Canal Treaties. The international community is still waiting for the evidence in support of those claims. It is perhaps not without significance that the United States authorities have been willing to go to such lengths to justify their invasion of Panama.

The previous and present United States Administrations have never hidden their burning desire to overthrow the Government of Panama. For quite some time it was evident that a decision to overthrow the Government had been made and that only an excuse to move in was awaited. The two incidents merely provided a convenient excuse to give effect to a contingency plan which, according to media reports, officials now admit had been drawn up weeks before the invasion.

Only the naive believe the explanation that the plan was just one possible option that the military had drawn up in order to keep ready for use when needed. Even without the admission that has now been elicited from official sources, the preparations for an invasion were too obvious to conceal. There was, for example, the last telephone call made by the young soldier to his mother before he left for Panama in which he said he was going on an operation from which he might not return.

Last week the Government of Tanzania issued a statement expressing its total abhorrence of the invasion and calling for the immediate withdrawal of the United States troops from Panama. It also joined with other non-aligned countries in a communiqué which condemned the invasion of Panama and demanded the immediate cessation of the military intervention against Panama as well as the total and unconditional withdrawal of all forces involved in the invasion. As the Tanzania Government statement makes clear,

(Mr. Nyakyi, United Republic
of Tanzania)

"this invasion is totally unjustified and constitutes an outright interference in the internal affairs of a Member State of the United Nations. It is also a clear violation of international law and a gross breach of the Charter of the United Nations."

The invasion of Panama provides an extraordinary contrast with the movement towards the relaxation of East-West tension, super-Power rapprochement and the exercise by many peoples around the world of their right to self-determination. The countries of the Latin American and Caribbean region are quite rightly concerned about the implications of the invasion of Panama for their own freedom and independence. Over the past several years the countries of Latin America have been largely successful in reasserting their right to determine their own affairs internally and regionally. Many people around the world have joined them in expressing the hope that they have seen the end of a policy that for years has tended to treat them as being in the backyard of the United States of America.

In the course of the debate on the present invasion experts have counted no fewer than 25 United States invasions of about a dozen Latin American and Caribbean countries in recent years. As we heard from the Permanent Representative of Nicaragua yesterday, the United States has intervened militarily in the region no fewer than 46 times. Nicaragua, especially, has reason to be worried. When it warns that it could be next in line, no one can blame it. We have all witnessed the pressures and provocations to which it has been subjected in the last 10 years. As its February elections approach, we cannot help but see ominous parallels with the situation in Panama before the elections.

The invasion has serious implications for more than Latin America and the Caribbean region. Such a blatant violation of the United Nations Charter and international law by a major Power has serious implications for all small

(Mr. Nyakyi, United Republic
of Tanzania)

countries. Equally, the support given to the United States by major Western countries, and especially those which are also permanent members of the Security Council, is no less worrying than the invasion itself. It speaks volumes in terms of what weaker nations can expect from the stronger ones when their actions are perceived to be contrary to the wishes of the stronger.

It has been said before, and it is worth repeating now, that the use of the veto to prevent the Security Council from exercising its primary responsibilities for the maintenance of international peace and security does little to enhance respect either for the Council or for those who abuse their trust in this way. What we witnessed last weekend was no less than the use of the veto to justify the doctrine that might is right and the practice of gun-boat diplomacy.

Ironically, it is the same members who complain that resort to the General Assembly on matters of peace and security is a usurpation of the powers of the Security Council and serves to undermine the authority of the Council. The answer of the rest of the international community is that they cannot have their cake and eat it. They are responsible for the growing disillusionment with the Council's inability to assume its responsibilities and exercise its authority. For had the Security Council been allowed to act justly in the present case the need for this debate in the General Assembly would not have arisen.

Let those who, through the use of their veto, seek in the future to prevent justice in the Security Council take heed that the rest of the international community will not continue to acquiesce in this perversion of justice. Instead, it will increasingly seek recourse to bodies where justice for all is assured.

As the statement issued by my Government states, Tanzania upholds the sovereign right of all nations, small and big, poor and rich, strong and weak,

(Mr. Nyakyi, United Republic
of Tanzania)

freely to determine their own affairs without interference. That is why we sponsored the draft resolution submitted yesterday.

Mr. GBEHO (Ghana): The events of the past week in Panama have been sad for the United Nations, for a number of reasons. It was a week in which international peace and security was breached in Panama as a result of the invasion of that country by a super-Power; a week in which there occurred a contravention of the principles and purposes of the Charter as they relate to the use of force and the violation of the sovereignty and territorial integrity of a Member State; a week that saw the unfortunate frustration of decisive action in the Security Council through the use of the veto power by three permanent members; and a period that experienced the trampling underfoot of international law governing relations between States.

(Mr. Gbeho, Ghana)

Thus, the invasion of Panama by the armed forces of the United States, for whatever reason, seriously detracts from the future viability of our Organization. If it is considered that the United Nations was founded purposely to avoid these very pitfalls in the conduct of relations among States, then the time has surely come for us all to speak out against the turn of events in Panama last week. It is important that we do so not only because the Security Council, the organ primarily responsible for such matters, has been cynically prevented from deploring the invasion, but also because the events in themselves will in the long term dig the Organization's grave unless urgently attended to. It is a painful duty for my delegation because the two countries involved enjoy friendly relations with Ghana, but we consider it our bounden duty to participate with candour in the present debate in order to prevent the United Nations from going the unfortunate way of its predecessors.

My delegation would like to emphasize at the very outset that the issue now before the General Assembly is not the personality of General Noriega, nor his personal conduct. We are here to consider the recent military action by the United States against a State Member of the United Nations because it touches upon one of the most fundamental principles of the United Nations. We are here to consider explanations given by the United States for its invasion of the territory of a State Member of our Organization in terms of our Charter and to determine what impact, if any, they are likely to have on the future of our Organization. In other words, are the reasons offered really sufficient under the Charter for one Member State to take up arms against another?

On 20 December 1989, the world witnessed a significant military intervention by the United States against the sovereignty and territorial integrity of a Member State which, in my delegation's view, constituted a clear violation of the Charter and all relevant norms of international law. This was but one more instance in a

(Mr. Gbeho, Ghana)

chain of events of that nature. In 1983, United States forces invaded Grenada. Barely three years later, in 1986, the United States Air Force bombed Libya. Now it is the turn of Panama. Needless to say, the loss of innocent lives and the wanton destruction of property have on each occasion been considerable, not to mention the serious implications for international peace and security.

But even more disturbing is the flagrant violation of the cherished principles of the Charter and the rules of international law which, in an international system characterized by inequalities of power, require that the rule of law rather than brute force should govern inter-State relations. Article 2 (4) of the Charter enjoins Member States to

"refrain... from the threat or use of force against the territorial integrity or political independence of any state".

The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, otherwise known as resolution 2625 (XXV), also prescribes that States have the duty "not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter". Observance of these injunctions gives small States like mine the assurance that they can conduct their affairs free from the threat or use of force and free from the dictates of the mighty States. When these principles and norms of international conduct are flouted with impunity, international peace and security become undermined. The fate of small militarily insignificant countries can no longer be guaranteed in a world that relies on force to achieve the will of countries.

The Government of Ghana therefore deeply regrets the United States military intervention in Panama. It considers the United States action as a flagrant violation of the sovereignty and territorial integrity of Panama and an unjustified breach of the principles of the Charter, in particular the principle of the

(Mr. Gbeho, Ghana)

non-interference in the internal affairs of other States. Similarly, it is in violation of the Declaration on friendly relations among States - resolution 2625 (XXV) - from which I have just quoted and it is a violation of the principles of the Treaty upon which the Organization of American States is based.

The United States seeks to justify its intervention in Panama on grounds of self-defence and even invokes Article 51 of the Charter in support of its cause. The rules governing the exercise of the right of self-defence are quite well settled. The right may be invoked if there is an armed attack against a State Member of the United Nations, in particular when its territory is invaded by another State. This was clearly not the case in this instance. The acts relied on by the United States occurred in Panamanian territory when an American serviceman "strayed" into a security check-point. A misunderstanding ensued between the serviceman and Panamanian defence personnel manning the road-block which ended in the tragic shooting of the serviceman when, according to eyewitness accounts, he and his colleagues decided to drive through the road-block leading to a militarily sensitive area against all orders to stop.

That most unfortunate incident cannot merit praise, but it must also be accepted that it could have happened anywhere in the world, given the same circumstances.

The United States also alleges that another serviceman was wounded and a third arrested and beaten while his wife was interrogated and threatened. Reprehensible as these acts of the Panamanian forces might have been, it is the view of the Ghana Government that, together, they did not justify the massive employment of force by the United States against a sovereign nation. The rules governing the exercise of the right of self-defence require that measures taken in self-defence must be proportionate to the attack that is called into question. It should, after all, be

(Mr. Gbeho, Ghana)

remembered that this is how wars have broken out in the past, and the United Nations should ensure that they do not recur.

A declared objective of the United States was to restore democracy in Panama. Pursuant to this, the United States forces quickly swore in as President of Panama a Mr. Endara in an American base. Again, this was in clear violation of the principle of non-interference in the internal affairs of another State. The desire to see democracy flourish in Panama is a laudable one, but how credible is the United States commitment to democracy when it imposes such democracy at the point of the gun and when it condones and gives support to one of the most undemocratic and repressive régimes on Earth in South Africa?

As we all know, in the last two years or so, relations between the United States and Panama have been less than cordial. The series of provocative actions and measures adopted by the United States, in particular in its open support of the October abortive coup d'état in Panama and the vitriolic press campaign against Panama and its leaders, clearly indicate to the impartial observer that the United States was merely spoiling for a fight. In face of this, who can deny that Panama as a sovereign country was right in recognizing that a state of war existed within the country justifying the adoption of security measures to safeguard the peace and security of the Panamanian people?

(Mr. Gbeho, Ghana)

Those measures do not amount to a declaration of war against the United States, and we have looked carefully at the statement in question. Would another State, for instance, be justified in later intervening in the same country in order to instal yet another government more in tune with its own definition of democracy? It is a fact that the Government of Ghana did not and would not support some of the vitriolic statements made by Panamanian leaders against the United States, but we are also convinced that those statements were not tantamount to a declaration of war nor an armed aggression against United States territory. No leader of a small State, however reckless he may be, would be so mindless as to declare war on a super-Power. That would be suicidal. Since there is no recognized right in international law of preventive self-defence, it is clear that the military intervention that has occurred in Panama was unjustified.

Let me draw the attention of the Assembly to the fact that the Government of Ghana has issued a statement expressing deep regret and dismay at the action of the United States. This statement has been circulated as document A/45/67, which is now before the General Assembly.

As regards the recent Security Council debate on the issue, my delegation recognizes the validity of the outcome of the Security Council debate, but it must also be realized that an overwhelming majority of Council members in what is, after all, an undemocratic body were against the use of force by a Member State against another. Those who sought to dress the naked violation of the sovereignty and territorial integrity of Panama, a genuine State Member of the United Nations, in "ifs" and "buts" must remember that their attitude in face of the unequivocal demands of the Charter can only bring the world closer to yet another war. Moreover, they, through gross disregard of certain cardinal principles of the Charter, destroy the moral high ground for calling for international peace and security.

(Mr. Gbeho, Ghana)

The resort to armed force in the conduct of inter-State relations cannot and should not be condoned by the General Assembly. All our efforts in the Security Council, in the First Committee and in the various disarmament forums are rendered meaningless unless Member States adhere scrupulously to the letter and spirit of the Charter. There is a need, therefore, to condemn the recent invasion of Panama in clear terms and to appeal to States to settle their differences peacefully around the conference table and also to desist from such inflammatory statements that can only contribute to a deterioration in relations. That is the very least that is expected of us. That is how the United Nations can be saved.

My delegation hopes, therefore, that draft resolution A/44/L.63 now before the Assembly on the subject will be supported in the interest of the rule of international law and not be seen as support for one State against another in the ongoing dispute between the United States and Panama.

Mr. TRINH XUAN LANG (Viet Nam): The delegation of Viet Nam follows with great concern the grave situation in Panama caused by the armed intervention of the United States of America.

Immediately after the blatant intervention, the Socialist Republic of Viet Nam issued a statement vehemently condemning the United States invasion and expressing its firm solidarity with the Panamanian people. Indeed, the United States armed forces' act of invasion of Panama, a Member of the United Nations and a member of the Non-Aligned Movement, no matter what reasons might be cited, can only be considered as a flagrant violation of the independence and territorial integrity of a sovereign State, thus posing a serious threat to peace and stability in Latin America, and in Central America in particular.

Article 2 of the Charter stipulates:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political

(Mr. Trinh Xuan Lang, Viet Nam)

independence of any state, or in any other manner inconsistent with the Purposes of the United Nations".

And the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations, unanimously approved by the General Assembly in November 1987, solemnly stated that:

"The principle of refraining from the threat or use of force in international relations is universal in character and is binding, regardless of each State's political, economic, social or cultural system or relations of alliances". (resolution 42/22, annex, I)

Therefore these unlawful actions of the United States Administrative have obviously encroached upon the Charter and the universally recognized norms of international law and inter-State relations and cannot, under whatever pretext, be justified.

At this crucial moment, the people and the Government of the Socialist Republic of Viet Nam reiterate their firm stand in accordance with that stated in the political documents of the ninth summit Conference of non-aligned countries, held in Belgrade last September, wherein the Heads of State or Government of the Movement

"reaffirmed their solidarity with the Panamanian people in their struggle to consolidate the independence, the sovereignty and the territorial integrity of their country. They reaffirmed the inalienable right of the Panamanian people to freely decide their own political, economic and social system without any form of external pressure, interference or intervention". (A/44/551, p. 30)

Today the principle "might is right" is no longer tolerable. The United States Administration should stop all military operations against Panama, putting an end to the armed invasion of that country.

(Mr. Trinh Xuan Lang, Viet Nam)

The international community should keep close watch over the aggravated tensions in Panama, as well as in Central America, so as to help prevent a further deterioration of the situation and bring about a durable peace in the region.

In that spirit, our delegation fully endorses draft resolution A/44/L.63 submitted to the Assembly.

Mr. ZARIF (Islamic Republic of Iran): The General Assembly is considering an issue of paramount importance not only for security and stability in Central America but also for the rule of law in the entire international community. What is at stake is the integrity - and, indeed, authority - of the most basic and universally recognized general principle of international law; a principle enshrined in the Charter of the United Nations as an overriding rule governing the affairs of the Organization and the conduct of its Member States; a principle which draws a clear distinction between the rule of law and the law of the jungle.

The inadmissibility of the threat or use of force in international relations, particularly against the territorial integrity and political independence of States, constitutes the very foundation of the Organization and the underlying principle of contemporary international law, through which many other principles, including the principle of self-determination, the principle of the peaceful settlement of disputes, and indeed the principle of self-defence, find meaning. However, in the absence of a meaningful and effective international mechanism, those who possess military power are prone to resort to force, particularly against small States. Therefore, it is indeed incumbent upon the international community to stand firm in resisting such trigger-happy policies, and thus raise the cost of lawlessness and aggression.

The United States aggression against Panama, which has brought destruction and suffering for the Panamanian people, and which has taken a great toll of innocent civilian casualties, including women and children, is a vivid illustration of the total disregard of this permanent member of the Security Council for the Charter of the Organization and the most revered general principles of international law.

The international community has witnessed that every once in a while the United States Government has fabricated a pretext to attack, invade, blockade,

(Mr. Zarif, Islamic Republic
of Iran)

bombard or, in one form or the other, bully a small country whose policies are not very much in concord with the hegemonic designs of the United States. It must be a great source of concern for the United Nations that resort to force, in violation of the Charter, has continued to be an integral part of the foreign policy of the United States, which occupies a permanent seat in the Security Council and always sits in judgement of its own illegalities.

There are basically two types of pretexts concocted by American officials in order to disguise their blatant aggression against Panama. One is used outside this building for public deception, and the other is employed in the Organization and other international forums for legal cover-up. The fallacious nature of the public deception campaign of the United States becomes apparent only after a brief examination of United States policy vis-à-vis the racist - let alone undemocratic - régime of South Africa, considering the fact that it has been the very same United States Government that has blocked any collective international action on the part of the international community designed to eradicate apartheid.

While statements by various officials of the United States are all indicative of intervention and gunboat diplomacy, the Permanent Representative of the United States to the United Nations has attempted, in vain, to employ the terminology of the United Nations and of international law in order to justify the blatant aggression of the United States against Panama as a case of self-defence. Strangely enough, he even refers to Article 51 of the Charter. This is the most ridiculous and absurd legal justification, particularly when used by a self-proclaimed super-Power against the small State of Panama, which has no history of armed attack against the United States. Such an approach constitutes an open misuse of the principle of self-defence, as enshrined in the Charter and as recognized in contemporary international law, and exemplifies the selective

(Mr. Zarif, Islamic Republic
of Iran)

approach of the United States Government towards the Organization, its Charter and international law as a whole.

The United States acts of lawlessness since its invasion of Panama have now expanded into surrounding several diplomatic missions, harassment of foreign diplomats and most recently the detention of the Cuban Ambassador in Panama City for a time. Indeed, one illegal act has led to another, and who knows when and where such trigger-happy bullying policies of the United States will come to an end.

The Islamic Republic of Iran condemns the invasion of Panama by the United States in the strongest terms and reaffirms its total rejection of the threat or use of force, intervention and interference in the internal affairs of other countries, irrespective of pretexts.

I should like to recall the Communiqué issued by the Co-ordinating Bureau of Non-Aligned Movement on 20 December 1989 which, while condemning the United States aggression against Panama, called on the United States to cease immediately all military operations, to withdraw its troops totally and unconditionally from Panama and to solve outstanding issues with that country through dialogue and negotiations in the context of the broader efforts of the countries of the region aimed at consolidating peace and stability in the area.

My delegation has therefore co-sponsored draft resolution A/44/L.63.

Mr. ORAMAS OLIVA (Cuba) (interpretation from Spanish): The current year has witnessed the exceptional efforts of the international community to make a reality of the principles and objectives relating to international peace and security contained in the Charter of the United Nations, and perhaps one of the regions of the world where those efforts have been the greatest and the obstacles placed along the way to peace the most tenacious has been precisely Central America.

(Mr. Oramas Oliva, Cuba)

We view with alarm today how one more obstacle is being placed along the way to negotiated political solutions to the conflicts afflicting the Central American region through the barbarous and illegal aggression suffered by the Panamanian people, whose soil has been invaded, its territory occupied and its sons massacred by the armed forces of the United States in an act that not only violates the most sacred principles of international law but also runs counter to the spirit of détente, harmony and co-operation spreading throughout the world.

(Mr. Oramas Oliva, Cuba)

The fact that the Government of the United States has arrogated to itself the right to intervene militarily against the Panamanian people and that today there is a massive concentration of foreign troops just a few miles from Central American borders seriously threatens peace efforts aimed at the settlement of conflicts that have engulfed Central America for more than a decade, at whose roots is to be found the Government of the very country that has insidiously invaded the Republic of Panama.

In its statement before the Security Council on the invasion of Panama by the armed forces of the United States, my delegation spoke at length on the many occasions since the end of the last century on which the United States has intervened in countries of Latin America under one pretext or another, always with the objective of forcing its designs on docile Governments that will continue to do its bidding and imposing economic and social structures that enable United States business increasingly to engage in ruthless plunder of the human and material resources of Latin American countries.

The United States Government, the Government that has for more than 30 years maintained its attitude of harassment and intervention against my country, the Government that has for more than 10 years been financing mercenary troops to destabilize Nicaragua, has again shown its duplicity by invading Panamanian soil.

Less than two months ago, the Government of the United States, together with other Member States, introduced at the forty-fourth session of the General Assembly a draft resolution entitled "Enhancing international peace, security and co-operation in all its aspects in accordance with Charter of the United Nations". In that draft resolution the Government of the United States itself, as a sponsor, reaffirmed its support of the validity and relevance of the Charter and called upon all States to comply with it and observe in particular the principles of sovereign

(Mr. Oramas Oliva, Cuba)

equality, political independence and territorial integrity of States, as well as non-interference in internal affairs, non-use of force or threat of the use of force in violation of the Charter, the peaceful settlement of disputes, adherence to the principles of equal rights and self-determination of peoples, respect for human rights and fundamental freedoms, co-operation among States, and compliance in good faith with the obligations entered into under the Charter that governs our Organization.

A few weeks after that profession of faith, it is the Government of the United States that is flouting, with malice aforethought, the principles it urged all States to respect, which form the very basis and foundation of the United Nations Charter. It appears that for the Government of the United States there are two kinds of State: on the one hand, there are those that must comply with the guiding principles of international law and the United Nations Charter and must act in accordance with the norms of friendly coexistence among States; on the other, there is the Government of the United States itself, which is above law, above order, above principles, and above the norms of international behaviour generally accepted and used by all nations.

While the Government of the United States urges others not to use force in international relations, it uses force, and on a large scale, to achieve its own goals. While it appeals to other States not to interfere in the internal affairs of others, it meddles, interferes and intervenes with increasing ferocity in the internal affairs of other States, to the point of unleashing armed invasion against a neighbouring country. While calling for respect for the principle of the peaceful settlement of disputes, it takes action to resolve its own disputes through the use of military force. While avowedly in favour of the self-determination of peoples, through the use of coercive armed force it prevents the Panamanian people from exercising self-determination.

(Mr. Oramas Oliva, Cuba)

In sum, the Government of the United States has not only violated each and every one of the principles and purposes of the United Nations Charter aimed at preserving international peace and security; it has also violated the principles it itself proposed to the international community as the basis for an era of détente in international relations. That makes it amply clear to all what kind of international peace and security the United States intends to establish: a kind of Pax Romana in which the Government of the United States continues exercising, unchallenged, the role of gendarme and intervener in a unipolar world in which there is security for the United States and insecurity and despair for the rest of our countries.

In effect, the Charter of the United Nations has become a dead letter in the light of the military intervention against the people of Panama. The Government of the United States has with malice aforethought violated the following principles of the Charter: respect for sovereign equality and the integrity of States; non-intervention and non-interference in the internal affairs of States; non-use of force or the threat of use of force in international relations, and the indispensable corollary, the peaceful settlement of international disputes; and respect for the right of peoples to self-determination.

The Government of the United States states that its actions are in keeping with Article 51 of the Charter, which establishes the right to self-defence. It would appear that United States officials have not read that Article of the Charter carefully and when quoting it distort it in an attempt to justify action that cannot be justified in the eyes of the international community.

Let us consider Article 51 of the Charter. It states:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a

(Mr. Oramas Oliva, Cuba)

Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

Unless the United States is using a United Nations Charter different from that being used by the other Members of the Organization, nothing in Article 51 even remotely justifies the invasion of Panamanian territory by the armed forces of the United States.

(Mr. Oramas Oliva, Cuba)

Article 51 of the Charter makes patently clear the right of every State to exercise the right of self-defence "if an armed attack occurs". In the final analysis it was the people of Panama that had the right to invoke Article 51 of the Charter to meet with weapons the aggression and invasion carried out by the armed forces of the United States. If we are really going to talk about Article 51 of the Charter we must say unequivocally that the United States has violated its provisions, since it was the negative vote of the aggressor that prevented the Security Council from taking the measures it deemed necessary to maintain or restore international peace and security.

The invasion violates General Assembly resolution 3314 (XXIX), which defines aggression, inter alia, as armed "attack", "invasion" and "military occupation" - all of which came together in the United States action against the Panamanian people.

It violates the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations adopted by the General Assembly at its forty-second session and which prohibits the use or threat of use of force in international relations.

It violates the Conventions of Tokyo, Montreal, The Hague and Chicago; it clearly violates the 1949 Geneva Conventions on humanitarian law and their additional protocols of 1964, since the army of occupation has blocked assistance to the wounded and sick and has not taken the preventive measures necessary to arrest the spread of disease and epidemics caused by the decomposition of unburied bodies.

It violates articles 25, 26, 27, 29, 30, 37, 44 and 45 of the Convention on diplomatic privileges and immunities, since the invading troops have placed the Cuban Embassy in Panama and the residence of the Cuban Ambassador in a situation as

(Mr. Oramas Oliva, Cuba)

if under arrest and have in practice taken Cuban diplomats and their families hostage in Panama City, which is in violation of the provisions of that Convention.

But the Government of the United States should be condemned not only for violating the most basic principles of international law but also for the massacre of a people. It must be condemned for killing civilians in the bombardments carried out by its air forces against populated areas, which reveal total disregard for the lives of Panamanians. The techniques used by United States armed forces were intended, not to confront directly the Panamanian people's staunch resistance to foreign invasion, but to subject that people to the effects of aerial bombardment and gunfire in order to minimize United States casualties even though that ruthless policy meant high civilian casualties and enormous destruction in populated areas. Moreover, the United States Government used Panamanian territory as a proving ground for new weapons not yet tested in action. The Secretary of Defense himself told the press on 25 December that highly sophisticated B-1 aircraft had been used in the invasion of Panamanian territory.

Today more than ever before the Panamanian people needs our solidarity. It needs our help to stop the invader's boot from trampling its soil; to prevent a puppet government imposed with the weapons of an invading army from violating its independence and sovereignty; to ensure respect for the life and well-being of those fallen into the hands of invading troops. It needs our help to ensure the strict application of the Torrijos-Carter Treaties on the Panama Canal and to prevent the United States Government from depriving the Panamanian people of its sovereignty of that link between the oceans, as it would like to do. It needs our help and solidarity to heal the wounds inflicted by the ruthless invasion of its territory.

(Mr. Oramas Oliva, Cuba)

We appeal to the international community to help the Panamanian people by sending medical and food assistance, as Cuba has offered to do through the International Committee of the Red Cross. We urge the international community to express its solidarity with the brother peoples of Central America, for the invasion of Panama is clear proof of what the United States Government is ready to do in order to impose its imperial designs in the face of the international community's will for peace and détente.

My delegation reaffirms its most vigorous condemnation of the United States invasion of Panama, and in this international forum wishes to highlight the heroism of all those who, in defence of their homeland, their nation, their independence and sovereignty and their principles, have fought and fallen on the rich Panamanian soil of their birth. Eternal glory be unto them, and the thanks of all the peoples of the world: They have fought and fallen, and with their life-blood tried to stop the United States - as predicted by José Martí, leader of Cuba's wars of independence - from spreading its tentacles over the lands of our America.

I wish to set forth clearly Cuba's position with respect to the presence in this Hall of alleged representatives of Panama. In our view, those seated in the Panamanian seats are legitimate representatives not of the people of Panama but rather of the invading Power, which is attempting to impose them on the General Assembly. They are traitors to their people, which has shed so much blood to preserve the independence, sovereignty and territorial integrity of Panama, and sooner or later they will be judged by the history of the Panamanian people.

Mr. MENON (India): An armed intervention by the United States in Panama brings us together in the Assembly Hall in search of peace after the Security Council failed to take any action to resolve the crisis. As Members of the United Nations committed to the principles of the non-use of force in the settlement of

(Mr. Menon, India)

disputes and non-intervention in the internal affairs of States, we have a legitimate responsibility to demand an immediate end to the military action and the withdrawal of foreign forces, so that peace and normalcy can be restored in Panama and conditions created there enabling its people themselves to decide their fate through the exercise of their democratic rights.

The Government of India has been following developments closely, and last week made its position on the matter clear. Speaking in both Houses of our Parliament on 21 December, our Minister of External Affairs, Mr. I.K. Gujral, stated the following:

(Mr. Menon, India)

"The Government of India has been deeply concerned at United States armed intervention in Panama and deplores the action. We also regret that the action has led to loss of innocent lives in Panama. India is fully committed to uphold the principle of non-intervention in the internal affairs of States and non-use of force for settlement of disputes. India has always maintained that negotiation is the best way for arriving at the peaceful settlement of disputes, and that applies equally to the situation in Panama and problems in Central America. Our position is also consistent with the United Nations Charter, to which all Members of the United Nations have subscribed. It is the hope of the Government of India that the United States armed intervention will end soon and American forces will be withdrawn quickly. I am sure the House will wish that in Panama it will be possible for the people to establish the democratic process."

As a Member of the United Nations and of the Movement of Non-Aligned Countries, India has consistently upheld the need to respect the independence, sovereignty and territorial integrity of States. Violations of these tenets inevitably leave disorder in their wake and imperil peace. It was in that light that the Co-ordinating Bureau of the Movement of Non-Aligned Countries unequivocally voiced its concern over the situation in Panama in its communiqué of 20 December 1989. Whatever the disputes that may arise, we advocate their resolution by peaceful means through dialogue that brings people together in search of understanding rather than through force that, in breeding mistrust and violence, sunders peoples. Our Parliament has therefore highly deplored the military action which caused loss of lives and property and generated chaotic conditions in Panama.

(Mr. Menon, India)

There are many Indian nationals too in Panama, and they have suffered with others. Any advocacy of ours for their cause naturally encompasses our advocacy for tranquillity in Panama for all. We hope, therefore, that a democratic Panama will retrieve its roots and that an immediate withdrawal of United States armed forces from that country will create conditions necessary for the restoration of normalcy there. The rights and wrongs of the past will doubtless be judged, and judged sternly where necessary, but we have to look towards and work for a future for Panama where its citizens can, in peace and harmony, work to determine their destinies free from foreign intervention and interference.

Mr. BELONOGOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet Union's political assessment of the United States armed intervention against Panama is well known to all. It was set forth in the statement issued by the Soviet Government on 21 December, which described that intervention as

"a flagrant violation of the fundamental principles of the Charter of the United Nations and the norms of inter-State relations."

The statement also emphasizes that

"The military action by the United States against Panama poses a challenge to the international community, which is striving to develop relations on the basis of the principles of respect for the sovereignty and dignity of other nations." (S/21041, annex)

In this case we are not talking about actions by specific individuals, on which Washington is trying to focus attention. In speaking in the Security Council and here today in the General Assembly we are in no way seeking to whitewash or justify the policies and practices of General Noriega. As is well known, the Soviet Union has not had and does not now have diplomatic or consular ties with

(Mr. Belonogov, USSR)

Panama. In voicing our protest here, we do so out of our profound conviction that the United Nations Charter and the principles of non-use of force against and non-interference in the internal affairs of States, must be inviolate and that all States should unswervingly abide by them.

The Soviet Union is particularly concerned at the fact that those basic principles have been violated by a large and powerful State, a permanent member of the United Nations Security Council, which has committed that flagrant act of international terror against a small and essentially defenceless State. It is far from rhetorical to wonder: Who will the next victim be? Where is the guarantee that the United States will not again, on some trumped-up pretext, send in planes, tanks, artillery and paratroops to back up its arguments?

The control being exercised by United States troops in Panama is completely arbitrary. They are arresting Panamanian citizens and violating the Vienna Convention on diplomatic relations by blockading a number of embassies in that country. Those are gross violations of the norms of civilized conduct. I would make particular reference to the situation created by the occupying troops around the Vatican Nunciature in Panama. We feel that it is extremely important for the General Assembly to make a proper evaluation of United States action in Panama and call for the immediate and total cessation of its intervention and the withdrawal of United States troops from that country.

We also deem it appropriate that the draft resolution recall that, in conformity with Article 2 (4) of the Charter, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Disregard for those basic provisions cannot be excused by recourse to Article 51 of the Charter, which,

(Mr. Belonogov, USSR)

in our view, requires a balanced and very careful approach. The notion that United States armed forces were exercising their inalienable right to self-defence in Panama does not stand up to even a cursory scrutiny. Such claims were quite rightly rejected as untenable by the Co-ordinating Bureau of the Movement of Non-Aligned Countries and the Organization of American States and in statements made by the Governments of scores of countries.

It is regrettable that the United Nations Security Council was unable in its recent meetings to adopt a draft resolution on the question of Panama owing to the triple veto, which put paid to any action by the Security Council to halt the United States interventionist action. Today, therefore, the General Assembly is compelled to consider the question of the consequences of United States armed intervention in Panama for the situation in Central America as a whole.

(Mr. Belonogov, USSR)

The Soviet Union regards as unacceptable the use of the Panama situation to subvert the peace process in the region. We sincerely hope that the situation in and around Panama will be normalized, and we call upon the United States to renounce the ploys of power politics and to adhere strictly to the principles of the Charter. In our view, that is the thrust of the draft resolution, and the Soviet delegation will vote in favour of it.

Mr. LUNA (Peru) (interpretation from Spanish): The principle of non-intervention is a pre-eminent factor in the Charter, defining the rules of ethical conduct in international relations. Therefore, its flagrant violation, as occurred a few days ago in Panama, can only be strongly condemned by the international community.

Against the background of the difficult inter-American history, that essential principle has become the basis of the surge in Latin American nationalism, which only in recent years has permitted the establishment of diplomatic action with solidarity, continuous political co-ordination and the gradual overcoming of traditional confrontations between Latin America and the United States. The situation that has thus come about, after long years and bitter incidents, had removed that anachronistic thinking from the American consciousness and was thus leading to a definitive consolidation of democracy in the vast majority of the countries of the continent.

In that common fabric of ideals which were being consolidated, everything seemed to indicate that in regard to peace and security, while North and South did not always agree about priorities or the nature of potential conflicts, there was a broad area in which it was possible to take concerted action on mutual consultation to defend an emerging democratic community in the region. The common premise of that effort, in which the member countries of the so-called Group of Eight played an important role, was the rejection of coercive action and the deliberate adoption

(Mr. Luna, Peru)

of compromise positions, all woven together with a fine balance of the security objectives of the big and the small, all of them interested not only in simple geographical co-existence, but in the higher qualitative convergence of interests of a continent whose destiny would have to be based on mutual respect and a thorough knowledge of our shared history and the legitimate concerns of all the countries of the region. Until very recently Central America seemed to be an example of the delicate balance of that endeavour.

With regard to the case of Panama, my country promoted, first in the framework of the political consultation mechanism and then in the Organization of American States (OAS), a series of principles which would allow for effective action such as I have described. In reconciling the sacred principle of non-intervention, with a new norm - that of democratic solidarity - we sought a regional consensus, which, while safeguarding Panama's sovereignty and integrity, would help its people to resolve by democratic means the constitutional crisis that it was facing. That has been the goal of Peru's action in various international forums: to ensure that the sovereign will of the Panamanian people prevails and to avoid ambivalent responses or automatic reactions. In that context, after the thwarted good offices initiative of the OAS, compromise formulas were put to all sectors of Panamanian society in order to restore democracy, compatible with strict respect for the principle of non-intervention and complete compliance with the Canal Treaties. In October this year at the Ica summit the Presidents of Argentina, Brazil, Colombia, Mexico, Peru, Venezuela and Uruguay confirmed Panama's suspension from the consultation mechanism, so as to free the region of obstacles to new diplomatic Processes aimed at finding a final solution to the crisis.

However serious the situation in Panama might have been, diplomatic means had not been exhausted in the attempt to overcome a dictatorship which was undoubtedly a burden to the process of building a pluralist and democratic future in the

(Mr. Luna, Peru)

region. We are still convinced that the quality of relations between Latin America and the United States directly depends on our coming together objectively on the basis of clear, shared principles, and that therefore a coercive adventure such as has taken place in Panama, both deplorable and imprudent, cannot but have profound negative effects on hemispheric relations as a whole.

Peru has stated and shown on various occasions that the continuation of the Noriega régime was a reprehensible farce, and that any effort to overcome that usurper régime was valid, provided it did not violate the very bases of international co-existence. Accordingly, by deeply violating what we had already accomplished, the invasion returns us to anarchy and a time of primitive behaviour in international relations. Hence my country rejects all forms of authoritarianism, such as the case before the Assembly. We find that the common element here is rejection of the use of force against a people, on the one hand, and the abuse of power politics among peoples, on the other hand.

The meeting rose at 1.30 p.m.