



## General Assembly

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Held at Headquarters, New York,  
on Thursday, 28 December 1989, at 10 a.m.

President: Mr. GARBA (Nigeria)

- Earthquake in Australia
- The situation in Central America: threats to international peace and security and peace initiatives (continued) [34]
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In the absence of the President, Mr. Pawlak (Poland), Vice-President, took the Chair.

The meeting was called to order at 10.55 a.m.

#### EARTHQUAKE IN AUSTRALIA

The PRESIDENT: I wish, on behalf of all the members of the Assembly, to extend our deepest sympathy to the Government and the people of Australia on the tragic loss of life and extensive material damage which resulted from the recent earthquake in that country.

I call on the representative of Australia.

Mr. BAMSEY (Australia): Mr. President, I thank you for your comments and condolences. These are much appreciated by my delegation and, I know, will be appreciated also by the people of Australia.

#### AGENDA ITEM 34 (continued)

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

The PRESIDENT: I have been informed that draft resolution A/44/L.62 has been withdrawn and that a new draft resolution, which will be issued as document A/44/L.63, has been submitted. It will be distributed as soon as possible.

#### AGENDA ITEM 8 (continued)

#### ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK; EIGHTH REPORT OF THE GENERAL COMMITTEE (A/44/250/Add.7)

The PRESIDENT: The eighth report of the General Committee concerns a request by Romania for the inclusion in the agenda of the current session of an additional item entitled "Emergency humanitarian assistance to Romania". The General Committee decided to recommend to the General Assembly that that item be included in its agenda.

(The President)

Before we proceed to take a decision on that proposal, I should like to quote from rule 78 of the Assembly's rules of procedure with respect to the proposal before the Assembly:

"As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

In view of the limited time available and the desire of members to dispose of this item expeditiously, I should like to suggest that, with the concurrence of the Assembly, we proceed to take a decision on the proposal contained in document A/44/250/Add.7, even though it was circulated only this morning.

If there is no objection, I shall take it that the Assembly accepts my proposal.

It was so decided.

The PRESIDENT: May I take it that the General Assembly decides to include in its agenda the additional item entitled "Emergency humanitarian assistance to Romania"?

It was so decided.

The PRESIDENT: The General Committee also decided to recommend to the General Assembly that this item should be considered directly in plenary meeting. May I take it that the General Assembly adopts that recommendation?

It was so decided.

The PRESIDENT: With the Assembly's concurrence, I shall now suspend the meeting until the draft resolution on this item has been distributed.

The meeting was suspended at 11.05 a.m. and resumed at 12.55 p.m.

## AGENDA ITEM 161

## EMERGENCY HUMANITARIAN ASSISTANCE TO ROMANIA: DRAFT RESOLUTION (A/44/L.64)

The PRESIDENT: Before we proceed to discuss and take a decision on the draft resolution before us, I should like to quote from rule 78 of the rules of procedure in regard to proposals before the Assembly:

"As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting."

In view of the limited time available and the desire of members to dispose of this item expeditiously, I should like to suggest, with the concurrence of the Assembly, that we proceed to discuss and take a decision on the draft resolution contained in document A/44/L.64, even though it has been circulated only this morning.

Unless I hear any objections, I shall take it that the Assembly agrees with my proposal.

It was so decided.

The PRESIDENT: I call on the representative of Austria, who will introduce the draft resolution on behalf of its sponsors.

Mr. HAJNOCZI (Austria): On behalf of Algeria, Argentina, Australia, Belgium, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Finland, France, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Hungary, Iceland, Islamic Republic of Iran, Ireland, Italy, Japan, Libyan Arab Jamahiriya, Luxembourg, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Spain, Sudan, Sweden, Tunisia, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland,

(Mr. Hajnoczi, Austria)

United States of America, Venezuela, Yugoslavia and Austria, I have the honour to introduce draft resolution A/44/L.64, on emergency humanitarian assistance to Romania.

I would draw the Assembly's attention to the fact that France is an initial sponsor, and that only owing to a printing error is not mentioned in the provisional version of document A/44/L.64; the correct list will appear in the definitive version.

As the Assembly is aware, the Romanian people have, over many years, endured manifold suffering as a result of grave violations of their political, civil, economic, social and cultural rights.

The recent dramatic events in Romania have resulted in a historic change. In the process of achieving that change, the Romanian people suffered the tragic loss of a large number of human lives, many wounded and widespread damage, with disastrous consequences for the provision of essential services.

(Mr. Hajnoczi, Austria)

In this hour of particularly urgent need, the Romanian people requires international assistance. Many countries, including my own, and humanitarian organizations have already reacted spontaneously to the appeal launched by the Romanian Council of National Salvation and have sent doctors, food, medical supplies and other relief equipment. For their recovery, the Romanian people will, however, need additional emergency humanitarian assistance. The draft resolution submitted therefore urges all States, international financial institutions and organizations and programmes of the United Nations system to offer generous emergency humanitarian assistance to Romania.

In conclusion I should like to express the hope of the sponsors that the draft resolution will be adopted without a vote. We owe it to the Romanian people.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/44/L.64. May I take it that the Assembly decides to adopt the draft resolution without a vote?

Draft resolution A/44/L.64 was adopted (resolution 44/239).

Mr. TANASIE (Romania): My delegation would like to express its deep gratitude to the General Assembly for adopting by consensus draft resolution A/44/L.64, entitled "Emergency humanitarian assistance to Romania". I should like to thank all the sponsors of the draft resolution, and in particular the representative of Austria, who introduced it. My delegation also wishes to reiterate its thanks to the President for his kind support of Romania and the Romanian people.

Finally, my delegation would like to stress that we interpret the adoption by consensus of draft resolution A/44/L.64 as a convincing illustration of the solidarity and support of all Member States. This is really a touching humanistic gesture which will never be forgotten by the Romanian people.

The PRESIDENT: We have concluded our consideration of agenda item 161.

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: In connection with this item, draft resolution A/44/L.63 has been distributed this morning. As I mentioned earlier, draft resolution A/44/L.62 has been withdrawn by the sponsors.

I call on the representative of Nicaragua, who will introduce draft resolution A/44/L.63.

Mr. SERRANO CALDERA (Nicaragua) (interpretation from Spanish): I wish to make a statement setting forth the position of Nicaragua, and then I shall introduce the draft resolution.

The Assembly has taken up the agenda item "The situation in Central America: threats to international peace and security and peace initiatives" in the midst of a new and most serious situation caused by the invasion of the Republic of Panama by nearly 30,000 men of the United States army. It is obvious that this situation transcends the framework within which this item has customarily been discussed. It is a serious threat to the peace process in Central America, and this affront to the sovereignty of one of the countries of Latin America, is a new and especially dangerous factor which threatens the entire peace process in Central America.

For this reason, Nicaragua, which introduced the item on the situation in Central America to the General Assembly, did not for a moment hesitate to convene this meeting, especially given the present circumstances, under agenda item 34.

(Mr. Serrano Caldera, Nicaragua)

There can be no moral, juridical or political justification for one country's invading another militarily. The day that this ceases to be the case, the day that brute force is justified for any reason, the day that we do not have the moral fortitude to denounce and condemn such violations - on that day violence will become the norm of conduct, injustice will become a social and political practice, and the law of the jungle will become the guiding principle for relations among individuals and nations. On that day we shall set aside years and years of efforts to build the rule of law in international relations; we shall set aside the enormous systematic efforts of the United Nations to find ways and means to build peace; and we shall descend to a very low level in our human and moral values. We cannot, then, accept any pretext to justify what cannot be justified.

Any act of aggression against a given people is an offence against all peoples, against all nations. We have always tried to ensure that those who form the community of nations and social relations are guided by certain fundamental principles. That is what the United Nations has been doing; it is the essence of civilization.



(Mr. Serrano Caldera, Nicaragua)

Our social and political structures are founded on certain principles. They also form the foundation of our community of nations and are an expression of the societies of our nations and international society. They are the bases of international relations, and they cannot be changed to suit the most powerful. They cannot and must not be compromised. The golden rule of the social pact between nations, express or tacit, is respect for those principles. Anything else would flout the norms of the international community, would mean remaining outside the community of nations and would alter the very essence of human relations.

Non-intervention, non-use of force, respect for sovereignty, full self-determination, the peaceful settlement of disputes - those are precisely the principles to which we refer. They cannot be altered. Respect for them must not be made dependent on the views - negative or positive, justified or unjustified - of a given nation regarding other Governments or individuals. That cannot be allowed, for if it were we should be entering the arena of subjectivity, of arbitrariness, and we should be compromising the very objectivity of the principles we wish to form the foundation of a civilized human community.

I wish to draw the Assembly's attention to the gravity of the invasion of the Republic of Panama by the United States. This is the sixth time it has invaded Panama. Can this possibly be explained? Do members know how many times the United States has invaded Latin American countries? Forty-six times. Do they think there can possibly be any justification?

If a single invasion is a serious offence and an arbitrary act, what can be said of a Power such as the United States, which has committed such deeds and made them customary practice and a standard of conduct?

I have listened to the representatives of the United States. On a number of occasions they have said that the invasion was an act of self-defence. Are they

(Mr. Serrano Caldera, Nicaragua)

perhaps deliberately forgetting that Article 51 of the Charter establishes the conditions under which self-defence can take place? Are they deliberately forgetting that a country must have been subjected to armed invasion and that the means used to repel invasion must be proportional? Has Panama committed an act of armed aggression? Is the sending of 25,000 marines to Panama a proportional response to who knows what invasion?

I do not wish to sound pretentious, but I believe that in our statement before the Security Council I demonstrated that there have been multiple violations by the United States of international law - and, indeed, of its own Constitution and domestic law. I shall not revert to those arguments; I wish merely to mention in passing, without further explanation, the nature of those violations of Article 1 (2) of the United Nations Charter, which establishes the principle of the self-determination of peoples and the strengthening of universal peace; of Article 2, which prohibits the threat or use of force against the territorial integrity or political independence of any State; of resolution 2131 (XX), on the inadmissibility of intervention in the internal affairs of States and protection of their independence and sovereignty, which is also guaranteed in General Assembly resolution 2625 (XXV); of article 21 of the Charter of the Organization of American States, which prohibits the use of force; of resolution 78, of 21 April 1972, of the General Assembly of the Organization of American States, which establishes the obligation to observe the principles of non-intervention and self-determination; of article 4 of the Convention of 23 December 1936, of which the United States is a signatory and which establishes the rights of States in the event of disputes; of the principle of non-aggression and conciliation of the Treaty of Rio de Janeiro, of 10 October 1933, condemning wars of aggression and calling for the use of peaceful means to settle disputes; of article 3 of the same Treaty, to which the United States is a party, concerning the maintenance of peace and the obligation to adopt

(Mr. Serrano Caldera, Nicaragua)

political, legal and economic means authorized by international law in the event of disputes; of the Convention on the Maintenance, Preservation and Restoration of Peace, of 23 December 1936, which has been binding on the United States since 25 August 1937, in the additional Protocol to which the signatory parties are forbidden to engage in direct or indirect intervention for any reason in the internal or external affairs of any of the other parties; of article 18 of the Charter of the Organization of American States, prohibiting the intervention of any State, direct or indirect, for any reason in the internal or external affairs of any other State; of article 20 of the same instrument, which enshrines the inviolability of territory and prohibits the occupation of territory by another State; of Article 2 (4) of the United Nations Charter, which prohibits the threat or use of force against the territorial integrity or political independence of any State.

This invasion took place a few days after the most recent summit conference of Central American Presidents, at a time when enormous efforts were being made to ensure that the precarious situation in Central America would not deteriorate further, when the United Nations was making an effort to intensify and expand its efforts at pacification in the region through the use of machinery created by the General Assembly and set in motion by the Secretary-General, at a time when three countries of the region - Costa Rica, Guatemala and Nicaragua - were carrying out elections now about to culminate. In the case of Nicaragua there were more than 2,000 international observers from the United Nations, the Organization of American States and the European Parliament, among others.

(Mr. Serrano Caldera, Nicaragua)

Military intervention by the United States in Panama, in addition to being an offence against a sovereign nation, undermines stability in the Central American region and deals a heavy blow to the process of detente, which had prompted some to think in terms of the end of the cold war and the emergence of a new era in international relations.

(Mr. Serrano Caldera, Nicaragua)

We are confident that the General Assembly will discharge its historic responsibility and demand that the United States immediately and completely withdraw its invading troops from Panamanian soil. We have faith that it will, and we have put our trust in the members of the Organization, this unique human community, where all the peoples of the Earth are represented. We therefore call for complete respect for the Torrijos-Carter Treaties. We ask that sovereignty be returned to the Panamanian people. The decisions to be taken here will be historic ones, and the decision we adopt today will determine whether aggression and brute force are to be given free rein or whether we will stand up against and condemn any act that leads to deterioration and violence. Saying no to intervention, invasion and brute force will mean restoring faith in this institution and ensuring that hope and faith in man's future will again flourish.

For all these reasons we request a resounding vote in support of the draft resolution that I now submit to the Assembly for consideration (A/44/L.63). It is sponsored by my delegation and the delegation of Cuba, among others. The serious repercussions of the armed intervention by the United States in Panama on 20 December and the fact that the Security Council in its recent deliberations on the invasion of Panama has been unable, notwithstanding the vote of the majority of its members, to reach a decision on that question, makes it incumbent upon the General Assembly to consider a draft resolution such as that we are now introducing.

The sponsors of the draft resolution are convinced that the text submitted by the non-aligned countries to the Security Council reflected the feelings of the majority of States Members of the United Nations with regard to the invasion of Panama. Therefore, using the elements contained in that draft resolution, and taking into account the importance in the present circumstances of reaffirming the basic principles of the United Nations Charter and international law, the draft

(Mr. Serrano Caldera, Nicaragua)

resolution stresses the full effectiveness of the principles and objectives of the United Nations Charter in the present context. It reaffirms the sovereign and inalienable right of Panama freely to determine its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat. It reaffirms the Panamanian people's right to self-determination and to form its own institutions. It also reflects the principle of the inadmissibility of the threat or use of force. The draft resolution therefore strongly deplores the intervention in Panama by the United States of America and demands the immediate withdrawal of armed invasion forces and compliance with the Torrijos-Carter Treaties. The draft resolution requests the Secretary-General to monitor developments in Panama and to report to the General Assembly within a 24-hour period.

My delegation would like to emphasize the importance of the fifth preambular paragraph, which expresses profound concern at the serious consequences the armed intervention in Panama might have for peace and security in the Central American region. All delegations are well aware of the fragility of the situation in Central America and of the enormous efforts that have been deployed to find political and negotiated settlements to the various situations existing in our countries. All delegations are also well aware of the fact that for eight years my country has been the victim of aggression by the Power that is today illegally occupying Panama. The relations between my country and the United States have entered a critical period as a result of actions taken by the invading troops against the Nicaraguan Embassy and Nicaraguans in Panama. Those actions are the subject of a letter that my Government sent yesterday to Mr. James Baker, United States Secretary of State, which was issued today as document A/44/910.

(Mr. Serrano Caldera, Nicaragua)

For all those reasons, my delegation hopes that Members will vote in favour of the draft resolution and thereby reaffirm their commitment to the purposes and principles of the Organization.

The PRESIDENT: The Assembly will resume its consideration of agenda item 34 and draft resolution A/44/L.63 tomorrow, Friday, 29 December, at 10 a.m.

The meeting rose at 1.25 p.m.