NOTES


2 2522nd mtg.

3 2523rd mtg.

4 ibid. Similar statements in support of the Libyan position were made by the representative of the Ukrainian Soviet Socialist Republic (ibid.) and by the representatives of Nicaragua, Mongolia, Afghanistan, Czechoslovakia, Cuba and Hungary (2526th mtg.)

5 2526th mtg.

31. LETTER DATED 29 MARCH 1984 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

INITIAL PROCEEDINGS

Decision of 4 April 1984 (2529th meeting): rejection of a Nicaraguan draft resolution

By letter dated 29 March 1984, the representative of Nicaragua requested a meeting of the Council as a matter of urgency and immediacy in order to consider the escalation of acts of aggression against his country.

At its 2525th meeting, on 30 March 1984, the Council included the item in its agenda. Following the adoption of the agenda the Council invited the following, at their request, to participate in the discussion without the right to vote: the representatives of Algiers, Cuba, Czechoslovakia, Mexico and the Syrian Arab Republic; at the 2528th meeting, the representatives of Algeria, Democratic Yemen, El Salvador, Ethiopia, the German Democratic Republic, Hungary, the Lao People’s Democratic Republic, the Libyan Arab Jamahiriya, Seychelles and Viet Nam; and, at the 2529th meeting, the representatives of Afghanistan, Costa Rica, Guatemala and Yugoslavia.

At its 2525th, 2526th and 2527th meetings, from 30 March to 4 April 1984.

At the 2525th meeting, the representative of Nicaragua stated that his country had come to the Council to denounce further acts of aggression, which, owing to their level of sophistication, the equipment used and techniques employed, represented a qualitative leap forward in the covert operations against the Nicaraguan people. International concern and repudiation had helped avoid a confrontation with unpredictable consequences for Central America. Regrettably, the efforts of the international community, as expressed in the Council, the General Assembly, the Contadora Group and the Movement of Non-Aligned Countries, had not been sufficient to prevent resort to military solutions in the region.

He expressed his country’s concern and alarm in the face of the increased military presence of the United States in a neighbouring country, where it was building an infrastructure for aggression: the large-scale military manoeuvres, which had been going on uninterrupted in the territories and waters of Central America and the Caribbean; the criminal mining of the Nicaraguan ports, endangering international navigation and in fact amounting to full economic blockade; and the constant efforts of the United States Administration to obtain funds necessary to finance the mercenaries of the Central Intelligence Agency (CIA).

He gave a detailed account of the United States military presence in Honduras. He said that the various naval and military manoeuvres and exercises by the United States and Honduras, which had aimed at intimidating the insurrectionist popular revolution and the Central American revolutionary movement, and the construction of military bases and training centres for the Salvadoran army and counter-revolutionary gangs all revealed the interventionist policy of the United States in the region. His Government would continue to believe in the active neutrality of the Government of Costa Rica and, for that reason, would maintain its understanding that the camps located on Costa Rican territory did not have the official support of its Government but that, on the contrary the CIA and its mercenaries were trying to create political problems between the two countries.

The speaker gave a detailed list of the locations of the various mercenary camps on Honduran territory and described the specific acts of aggression against his country since the last Council meeting on the subject early in February 1984. The account revealed not only the growing number of military camps on Honduran territory, but also attacks and violations of Nicaraguan territory, its airspace and its territorial waters. Nicaragua was aware of increasingly direct participation of the Honduran army in those attacks, sometimes even acting alone in support of the counter-revolutionary groups. Sophisticated equipment, aircraft and boats far exceeded the technical capacity of the counter-revolutionary elements, as well as the Honduran army and documented the involvement of the United States.

The latest American actions suggested that the Reagan Administration intended to proceed with a military blockade of Nicaragua. The international community had to restrain a Government that was resorting more openly to force to resolve international conflicts. The Administration’s decision to appropriate $21 million for the mercenaries of the CIA disclosed not just its determination to press ahead with its criminal plans against Nicaragua, but also its disregard for the American people, International public opinion and the peace-making efforts of the Contadora Group.

The international community could not remain passive in face of the build-up of the United States military presence in El Salvador. The only reasonable solution was a dialogue between all the representative forces, the Farabundo Martí National Liberation Front (FMNL), the Democratic Revolutionary Front (FDR) and the Government, which should aim at the formation of a broadly representative national government. The speaker deplored that the Contadora Group’s work had been seriously impeded because the United States administration had refused once and for all to remove the spectre of war that had afflicted the region in recent years. But the main obstacle to its quest for peace was the United States Government. The situation had led Mr. D. Ortega Saavedra, Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua, to visit the President of Mexico, whose help he had requested in the implementation of urgent measures by the Contadora Group to prevent war in Central America. Similar missions had been sent to the other members of the Contadora Group—Panama, Colombia and Venezuela—as well as to other countries of the
region. Nicaragua believed that peace in Central America required as a sine qua non condition the clear commitment of the United States, which so far had in fact brought to bear all kinds of political pressures to prevent a genuine, just and lasting solution to the conflicts of the region.

Nicaragua reserved the right to demand compensation for the devastation resulting from the criminal policy of the United States President. The representative of Nicaragua requested the Council to take immediate action to stop the war in Central America.  

The representative of the United States pointed out that the Nicaraguan complaint had been before the Council on some six occasions over the past two years and accused Nicaragua of initiating the process of militarization, the destabilization of its neighbours and the introduction of foreign advisers in Central America. She indicated that Nicaragua had some 107,000 persons under arms and continued to receive weapons from diverse places and to assist guerrillas in other countries, principally FMLN and FDR in El Salvador, with arms and other supplies, with training providing command and control centres.

The sole objective of United States policy in Central America was a democratic solution as illustrated by the report of the National Bipartisan Commission on Central America chaired by a former Secretary of State, Mr. Henry Kissinger. The Commission had visited the five Central American countries and the four States comprising the Contadora Group. The Commission’s conclusions and recommendations formed the basis of the Central American Democracy, Peace and Development Initiative Act of 1984, which represented a far-reaching attempt to address the problems in Central America comprehensively.

The Commission had concluded that neither the military nor the political, economic, or social aspects of the crisis should be considered independently of the others. The Commission had proposed a series of measures to support agricultural development, education, health services, export promotion, land reform, housing, humanitarian relief, trade, credit, insurance, small business and other activities. Special attention would be given to increasing scholarships, leadership training, educational exchanges and support for the growth of democratic institutions.

The representative of the United States emphasized the Commission’s call for a vigorous diplomatic strategy and a negotiating effort designed to resolve the conflict and to include Nicaragua in a regional settlement that would ensure lasting security guarantees, as well as national independence for all the nations of Central America. Such a settlement would be squarely based on the principles contained in the 2 l-point proposal of the Contadora Group, which included respect for sovereignty and non-intervention; verifiable commitments to non-intervention and an end to all attempts at subversion; limitations in arms and sizes of armed forces; prohibition of forces, bases and advisers of foreign nations; commitment to internal pluralism and free elections in all countries; provision for verification of all agreements; and the establishment of an inter-governmental council, to meet regularly and review compliance.

In drawing up those recommendations, the Commission had drawn heavily in its consultations with the leaders of the Contadora countries. The Commission also recommended increased military assistance, under proper conditions, to the Governments of El Salvador and Honduras in order to reinforce diplomatic efforts by creating the conditions under which peaceful settlements might be reached and the objective of a better life in freedom and national independence for all Central Americans successfully pursued.  

The representative of Honduras stated that his Government had complained on many occasions to the Sandinist Government about its systematic use of slogans, groundless assertions and fanciful interpretations that were at variance with proper international conduct. He also provided the Organization of American States (OAS), the Council and the General Assembly with well-documented replies refuting false charges of responsibility for past events and tendentious interpretations of actions carried out by Honduras in exercise of its full responsibility over its territory.

The measures to improve the professional level of the armed forces of Honduras—Including joint exercises with the United States army—were defensive in nature and designed to protect Honduran sovereignty. Military manoeuvres were not prohibited by the documents adopted by the Contadora Group. Peace, democracy, security and co-operation for development in Central America were aims of the foreign policy of Honduras. The Sandinist Government was Intervening in neighbouring countries by supporting the promotion of subversion in Honduras and by supplying the guerrillas in El Salvador with weapons. Those conditions had made it necessary for other countries to make preparations for adequate defence in order to deter Nicaragua from any direct aggression. He concluded by reiterating Honduras’ position: in support of a comprehensive, peaceful solution of regional disputes through the Contadora peace process and within the framework of the inter-American system.

The representative of Nicaragua referred briefly to the fact that the history of United States policy in Central America was characterized by its support for dictatorial regimes such as that of Somoza in Nicaragua.  

The representative of the United States declared that she did not deny that the United States had from time to time made mistakes in its policy vis-a-vis Central America. It might be even argued that it had been an accomplice to the rise of a dictatorship in Central America, even in Nicaragua.

At the 2527th meeting, the representative of France stated that his country strongly condemned the escalation of violence and the mining of the Nicaraguan ports, which amounted to a kind of blockade in disguise, in fundamental opposition to the principles of international law. Noting the positive gestures of Nicaragua, which were made in response to the concerns of those who desired an overall settlement, he paid tribute to the efforts of the four countries of the Contadora Group. The countries of Central America should be permitted once again to solve their problems for themselves as they were entitled to demand respect for their independence and peace and security for their peoples. The continuing Contadora process should aim to transform those principles into an end to violence and to interference in the internal affairs of Central American States by countries from outside the region.
The representative of India quoted the text of the latest communiqué on Central America adopted by the Coordinating Bureau of the Movement of Non-Aligned Countries, which had met in urgent session in New York on 15 March 1984. He pointed out that peace and progress could be constructed only upon the foundation of political and socio-economic pluralism, scrupulous observance of the principles of non-interference in the internal affairs of States and an appreciation of the deep-rooted problems typical to the region; they could not rest upon the exclusion of one State or another from the mainstream of regional development, nor on pressures, threats or blandishments. He expressed regret that the endeavours of the Contadora Group had of late been afflicted by a flagging of will on the part of some countries. External interference had also continued unabated and, from all available indications, had even intensified. India deemed it imperative that means such as the use or threat of force be immediately abandoned and that dialogue be given a real chance.

The representative of Zimbabwe stated that the Council should express its grave concern at the deteriorating Central American situation, seriously threatening regional stability and call upon those responsible for the violation of international law to desist from their injurious activities and to observe strictly the provisions of the Charter requiring all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of other States. The Council should also demand the strictest respect by those concerned with Nicaragua’s right to develop its own economic and political system, without any interference. The speaker urged that those responsible for the mounting regional tensions reciprocate Nicaragua’s expressed readiness and desire to search for genuine peace in that region.

The representative of China maintained that in order to remove the tension in Central America it was of vital importance to put an end to all interference and threats from outside and he urged the super-Powers to refrain from making Central America an arena for their rivalry. The independence and sovereignty of Nicaragua and of other Central American countries should be respected and the affairs of the various countries of the region should be left to the respective peoples themselves.

The representative of Mexico pointed out that the objectives agreed on by the Central American countries included the prohibition of the stationing on their territory of foreign military bases or any other forms of foreign military interference, as well as the prohibition of the use of their territory by persons, organizations or groups seeking to destabilize the Governments of Central American countries, as well as the refusal to permit them or to provide for military or logistical support. It was not merely a matter of facilitating the training of counter-revolutionaries by providing them with money and weapons, or of encouraging mercenary pilots to commit acts of aggression; what was being attempted apparently was nothing less than the imposition of a naval blockade against Nicaragua, in order to erode its economic infrastructure still further. Those actions were in flagrant opposition to the peace-making efforts of the Contadora Group.

It was universally agreed that the conflicts in Central America originated in the economic and social conditions of the peoples of the region. A just and lasting solution to the Central American crisis would be achieved only through genuine commitment and participation by all States, in particular the permanent members of the Council, whose responsibility for the maintenance of international peace and security should be exercised in accordance with the principles of the Charter.

At the 2528th meeting, the representative of Peru stated that the Nicaraguan allegations had not been denied and that his country rejected the intensification of hostile acts against Nicaragua, in particular the new operations against its port installations and the construction of Nicaraguan shipping trade which amounted to a de facto blockade and de jure violation of free international navigation. Reaffirming the Peruvian support for Council resolution 530 (1983) and General Assembly resolution 38/10, he mentioned that both resolutions had been adopted by consensus and accurately reflected the principles and commitments that the international community hoped would be honoured by the parties and factions involved in the crisis. There was an urgent need for the Council to express emphatically its support for the efforts of the Contadora Group to reach a negotiated comprehensive settlement. The Council should call for strict respect for the principles and norms of international law enshrined in the Charter and other international instruments. The principles of non-interference in internal and external affairs of States, the right to self-determination, respect for international obligations, the peaceful settlement of disputes and the inadmissibility of the threat or use of force against the sovereignty, independence or territorial integrity of any State needed to be strictly observed.

The representative of the Soviet Union stated that the leaders of the United States had not attempted to cover up their role in the terrorist activities against Nicaragua, but had actually boasted about it. There was no need to dispatch a commission in inquiry since one State had openly acknowledged its participation in acts of aggression against another. The Soviet delegation considered that the Council would be acting correctly and in fulfilment of its obligations by condemning the mining of the ports and territorial waters as an act of State terrorism. The actions of the United States showed that it was not interested in a political settlement in Central America and that it was deliberately pursuing a policy intended to widen the conflict. Those actions constituted a gross violation of the fundamental principles of international law and of the Charter.

The representative of Cuba stated that it was not enough simply rhetorical to endorse Latin America’s peace initiative. The Governments of the Contadora Group should take urgent steps to guarantee that all parties, especially the United States, gave real support to their efforts. Military and naval actions aimed at intimidating Nicaragua should cease. The Council should condemn the escalation of aggression against Nicaragua and the mining of its ports, which was a serious threat to international navigation and free trade, and the attempts of certain States to bring about the failure of the Contadora initiative.

At the 2529th meeting, on 4 April 1984, the representative of Nicaragua informed the Council that some minor changes had been made regarding the draft resolution that his delegation had submitted. Under the draft resolution, in its preambular
part, the Council would, *inter alia*, have recalled its resolution 530 (1983), noted General Assembly resolution 38/10, reaffirmed all the purposes and principles of the Charter, particularly the obligation of all States to refrain from resorting to the threat or use of force against the sovereignty, territorial integrity or political independence of any State, commended the sustained efforts being carried out by the countries that made up the Contadora Group in the search for a peaceful and negotiated solution to the conflicts that affected the region, recognized and welcomed the broad international support expressed to the Contadora Group in its efforts to bring peace and development to the region, noted with great concern the foreign military presence from outside the region, the carrying out of overt and covert actions and the use of neighbouring territories for mounting destabilizing actions that had served to heighten tensions in the region and hinder the peace efforts of the Contadora Group and noted also with deep concern the mining of the main ports of Nicaragua.

In the operative part, the Council would have condemned and called for an immediate end to the mining of the main ports of Nicaragua, which had caused the loss of Nicaraguan lives and injuries to nationals of other countries as well as material damage, serious disruption to its economy and the hampering of free navigation and commerce, thereby violating International law; affirmed the right of free navigation and commerce in international waters and called upon all States to respect that right by refraining from any action that would impede the exercise of that right in the waters of the region; reaffirmed the right of Nicaragua and of all the countries of the region to live in peace and security and to determine their own future free from a foreign interference and intervention; called upon all States to refrain from carrying out! supporting or promoting any type of military action against any State of the region as well as any overt or covert action that hindered the peace objectives of the Contadora Group; expressed its firm support to the Contadora Group for the efforts it had so far carried out and urged it to intensify those efforts on an immediate basis; requested the Secretary-General to keep the Council informed of the development of the situation and of the resolution; and decided to remain seized of the matter.

The representative of Costa Rica assured the Council that the forces responsible for security in his country would not carry out any attacks that might jeopardize the sovereignty and security of Costa Rica or of neighbouring countries. Costa Rica was interested in seeing that the mandate and support of the Contadora Group was not weakened. The speaker asked the Council to appeal to the countries concerned to carry out their mission in keeping with the Contadora guidelines and to appeal to the rest of the international community to refrain from diverting the nine countries from their chosen path. He asked for strict respect for the principles of international law, in particular those referring to the freedom of navigation.

The representative of the United Kingdom stated that the draft resolution did not match the scope of the debate or indeed of the Central American problem. In the opinion of his delegation, the draft resolution would have been improved if the final preambular paragraph and the first operative paragraph as originally circulated in the provisional version had been amended. He suggested that to the final preambular paragraph "Noting also with deep concern the mining of Nicaraguan ports and other attacks, as well as overt and covert hostile acts and threats against Nicaragua", be added "and other States in Central America".

Similarly, in operative paragraph 1 of the provisional version, where the Council had called for "an immediate end to all threats, attacks and overt and covert hostile acts against the sovereignty, independence and territorial integrity of Nicaragua", the British delegation would have preferred to say not just Nicaragua, but "the States of Central America". He also proposed to make the draft resolution more balanced by adding to it some elements of Council resolution 530 (1983) and General Assembly resolution 38/10. He indicated that his delegation had hoped that the Council would have produced a resolution or a presidential statement that would have been constructive and not vindictive. As those elements were missing from the draft resolution, his delegation was going to abstain when the draft was put to the vote.

The representative of the Netherlands, in explaining his vote before the vote, stated that his delegation continued to have reservations concerning the draft resolution. He made particular reference to the fourth preambular paragraph because it singled out one admittedly important, but just one, element of General Assembly resolution 38/10. He indicated that all the aims of the Document of Objectives should form the basis for a peaceful settlement of the problems besetting the region.

The representative of Egypt declared that his delegation would have preferred to have some time for consultations about the draft resolution. It had hoped that a text could be arrived at that would be generally accepted by the Council and would better reflect Council resolution 530 (1983) and General Assembly resolution 38/10. He stressed that it was his understanding that the last two preambular paragraphs were closely linked. On that basis his delegation would vote in favour of the draft resolution.

The representative of the United States stated that the draft resolution was seriously flawed, lacked balance and fairness and was not well suited to the purposes it sought to serve, notably the peace of the area. The rush to a decision by the Council was itself an example of seriously unbalanced concern. The actions taken by the Council on that day did not advance the cause of peace nor did they address the problems of the region. The United States would not acquiesce in such a resolution.

The representative of Malta declared that his delegation would have preferred a little more time for consultations on the text being put to the vote. The text as amended was positive enough to deserve the Malta’s support and the delegation would vote accordingly.

Then the President put to the vote the draft resolution submitted by Nicaragua. The result of the voting was as follows: 13 votes in favour, 1 against and 1 abstention. Owing to the negative vote cast by a permanent member of the Council, the draft resolution was not adopted."
The representative of Saudi Arabia stated that the Iranian attacks on Saudi and Kuwaiti tankers had taken place in Saudi territorial waters and adjacent waterways, far from the area of military operations, and were in retaliation for Iraqi attacks on the Islamic Republic of Iran. He pointed out that the claim by a country at war of a right to attack a third party would have dangerous effects on international relations and peace and security everywhere unless it was condemned and rejected by the international community. Since the Council bore primary responsibility for crystallizing the position of the international community, it must firmly express its determination not to permit any aggression against third parties in the Gulf area.

The representative of Yemen contended that the Iran-Iraq war was being extended beyond the two belligerent States because the Council had failed to assume its responsibilities towards impartially restoring international peace and security in accordance with the principles of the Charter. He stated that the Council was now more than ever duty-bound to work towards halting the war.

The representative of Senegal stated that the situation should be viewed in the wider context of the four-year-old war. He urged the Council to call for unobstructed freedom of navigation in the international waters of the Gulf, to renew its call for the cessation of hostilities and the continuation of mediation efforts, and to reaffirm its appeal to the belligerents to respect the territorial integrity and economic infrastructure of other coastal States and refrain from actions likely to worsen or widen the conflict.

Mr. Chedli Kibli indicated that the LAS Council had adopted a resolution on 19 May 1984, in which, inter alia, it appealed to the Security Council to adopt a clear and firm position on the Iranian aggression. The League hoped that the Council would take appropriate measures to guarantee the safety of international sea lanes, because the disruption of maritime traffic would affect the interests of all nations and could lead to foreign intervention. The Council must assume responsibility for restoring the stability of the Gulf region and must contain the conflict as much as possible pending compliance with its decisions. Since Iraq had already indicated its willingness to comply, efforts should be directed at inducing Iran to heed the Council’s resolutions.

At the 2543rd meeting, the representative of Somalia asserted that the Council must demand that Iran and its attackers comply with United Nations resolutions and respect the principles of international law. The Council should also vigorously seek to bring both the Islamic Republic of Iran and Iraq into a process of peaceful negotiations.

The representative of Turkey stated at the 2545th meeting that the Council should try to help the parties find a solution to the conflict but must not attempt to impose one. It should not adopt a resolution which would be totally unacceptable to either party and which, by its lack of balance, fairness and justice, would lead to further intransigence; rather, it should seek to strengthen the hand of the Secretary-General, who had reaffirmed his willingness on 17 May 1984 to assist in the peaceful resolution of the conflict, and enable both the Islamic