



Security Council

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ENGLISH

**PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
SEVEN HUNDRED AND FIRST MEETING**

**Held at Headquarters, New York,
on Tuesday, 29 July 1986, at 3 p.m.**

President: Mr. KASEMSRI

(Thailand)

**Members: Australia
Bulgaria
China
Congo
Denmark
France
Ghana
Madagascar
Trinidad and Tobago
Union of Soviet Socialist Republics
United Arab Emirates
United Kingdom of Great Britain and
Northern Ireland
United States of America
Venezuela**

**Mr. HOGUE
Mr. GARVALOV
Mr. LI Luye
Mr. GAYAMA
Mr. BRUCKNER
Mr. de KEMILARIA
Mr. DUMEVI
Mr. RAKOTONDRAMBOA
Mr. GRANDERSON
Mr. SAFRONCHUK
Mr. SHIKIR

Sir John THOMSON
MR. WALTERS
Mr. FABON GARCIA**

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The meeting was called to order at 3.45 p.m.

STATEMENT BY THE PRESIDENT

The PRESIDENT: At the outset I should like to point out that it is not in the tradition of the Security Council to have the proceedings in this Chamber interrupted by public demonstrations of any kind. As President I will not therefore permit any such occurrences in the future.

ADOPTION OF THE AGENDA

The agenda was adopted.

LETTER DATED 22 JULY 1986 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/18230)

The PRESIDENT: In accordance with the decisions taken at the 2700th meeting, I invite the representative of Nicaragua to take a place at the Council table; I invite the representatives of Cuba, Democratic Yemen, El Salvador, India and the Ukrainian Soviet Socialist Republic to take the places reserved for them at the side of the Council Chamber.

At the invitation of the President, Mrs. Astorga Gadea (Nicaragua) took a place at the Council table; Mr. Oramas Oliva (Cuba), Mr. Al-Ashtal (Democratic Yemen), Mr. Meza (El Salvador), Mr. Krishnan (India) and Mr. Oudovenko (Ukrainian Soviet Socialist Republic) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT: I should like to inform members of the Council that I have received letters from the representatives of Czechoslovakia, the Syrian Arab Republic and Viet Nam in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

(The President)

There being no objection, it is so decided.

At the invitation of the President, Mr. Kulawiec (Czechoslovakia), Mr. Al-Atassi (Syrian Arab Republic) and Mr. Buixuan Nhat (Viet Nam) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT: The Security Council will now resume consideration of the item on its agenda.

The first speaker is the representative of the United States, upon whom I now call.

Mr. WALTERS (United States of America): I would just state at the outset that when I left this morning no discourtesy was intended to any of the speakers. I left because I had been designated the United States principal representative at the funeral of Averell Harriman, for whom I myself had worked a number of years and had great regard.

I would simply add that I do not believe there will be any problem with applause at the end of my statement. I have not packed the gallery.

We are assembled once again to discuss the situation in Nicaragua. This is the twelfth time that Nicaragua has called for a Security Council meeting. Members will recall that the ostensible reason for this session - the recent ruling by the International Court of Justice - was also the reason that Nicaragua convoked the Council earlier this month.

The United States yields to no nation in its commitment to international law. No Member of the United Nations has a stronger or longer record of respect and support for the peaceful resolution of disputes in accord with the United Nations Charter and other sources of international law. We are certainly not prepared to take lessons in international law from Nicaragua, a country which as a matter of deliberate State policy has consistently violated international law, including the

(Mr. Walters, United States)

most fundamental norms of the United Nations Charter, a country which has sought to overthrow the Governments of its neighbours and to deny its own people the right to self-determination.

Nicaragua has now obtained a ruling from the International Court of Justice which it finds useful in its propaganda war against the United States. The United States regrets that Nicaragua has sought to misuse the Court in this manner.

The United States has said from the beginning that this case is inappropriate for judicial resolution. The Court has been asked to address one small, carefully selected part of the crisis in Central America. To ask for the Court to solve this crisis does it a disservice, for the only way to solve the crisis is through negotiations involving all parties.

This is neither the time nor the place for a detailed exposition concerning the Court's decision of 27 June and the compelling dissents that accompanied it. Suffice it to say now, we believe that the Court has fundamentally misperceived the situation in Central America. It is simply wrong on many of its facts, and the Court's conception of the relevant international law is seriously flawed in important respects. Nicaragua, however, does not seem to have such reservations. Does this mean that the Sandinista régime agrees with the Court that the democratic opposition is an independent force not controlled by the United States? We hope so, because it is clear - to the United States, to Contadora, but for so many years not to the Sandinistas - that Nicaragua will continue to be torn by strife unless and until there is genuine reconciliation reached through a process of negotiation. This negotiation is as necessary in solving the crisis in Central America as are the negotiations between Nicaragua and the other Central American Governments.

(Mr. Walters, United States)

Today Nicaragua has tried to present the crisis in Central America as essentially a conflict between the United States and Nicaragua. The real problem is not a conflict between the Sandinista comandantes and the United States. It is a conflict between the comandantes and the long-suffering people of Nicaragua, who have been the victims of ever-increasing Sandinista repression, and it is a conflict between the comandantes and Nicaragua's neighbours, which have been the victims of unprovoked Sandinista aggression.

The cause of the conflict is self-evident: it is the Sandinista's own betrayal of the revolution of 1979. We all recall how the Sandinistas travelled around the world in 1979 appealing for support against the Somoza dictatorship. They promised us that they would promote a progressive Government based on a pluralist democracy, a mixed economy and non-alignment. We recall particularly the message they sent to the Organisation of American States barely a week before they took power, promising full respect for human rights and free elections.

How hollow those promises have proved. For seven years the Sandinistas have worked methodically to consolidate their power and freeze out the sectors that had fought for democracy in 1979. Need I remind anyone that one of the signers of that 1979 message, then-junta member Alfonso Robelo, was persecuted and forced to flee into exile? He and another former member of the revolutionary junta, Arturo Cruz, are now leaders of the democratic resistance. Another of the signers, Violeta Chamorro, has been maligned and harassed by the Sandinistas; I believe Comandante Ortega said she should be sentenced to 30 years in prison by the People's Tribunal for her crimes. Her son, Pedro Joaquin, has been driven into exile. Her family's newspaper, La Prensa, has been shut down. We should all remember that it was Somoza's actions against La Prensa, and particularly the assassination of Violeta Chamorro's husband, its editor, that helped to spark the 1979 revolution.

(Mr. Walters, United States)

The comandantes' true objectives were contained in the now famous "72-Hour Document" written by the Sandinistas themselves in October 1979, only a few months after the fall of Somoza. It makes clear that the Sandinistas never had the slightest intention of honouring the promises they made in 1979.

The "72-Hour Document" was a statement of FSLN policy and objectives in September 1979, when many both inside Nicaragua and abroad still looked to the Sandinistas to fulfil their promises of pluralism, a mixed economy and non-alignment. A few citations from the "72-Hour Document", a copy of which I have in my hands and to which I will refer, make Sandinista hypocrisy clear:

"The selection and organization of the Government was a relatively easy task, as it did not have to be negotiated with the opposition parties of the bourgeoisie but merely involved appointing patriotic figures who were somewhat representative."

"It should be noted that at present there are no clear indications of an armed counter-revolution by Somocista forces from abroad which actually threatens our stability."

"We are an organization whose greatest aspiration is to maintain revolutionary power."

While they were promising pluralism they were laying the groundwork of a one-party State. This so-called party of "pluralism and democracy" has arrested, harassed and intimidated democratic political leaders. The 1984 "elections" were held without the participation of the major opposition parties. Even those small parties which participated have since been undercut and rendered ineffective.

The Sandinistas also have sought to destroy the independent labour movement by forcing workers to join so-called unions totally under their control. The party which claims to represent workers and peasants banned strikes in 1981, long before it acknowledged the existence of any significant armed resistance. Since then

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hundreds of labour leaders and activists have been gaoled, and many others have been driven into exile.

While they publicly proclaimed their commitment to a mixed economy, the Sandinistas secretly expressed their determination to crush the "traitorous bourgeoisie". They labelled the private sector the principal enemy of the revolution and laid plans to attack its leaders "as soon as they give us the first opportunity". Today many of Nicaragua's best businessmen and professionals are gone, including many who had been strong supporters of the revolution.

In their zeal to crush the private sector and extend State control over all aspects of economic life, the Sandinistas have crippled the Nicaraguan economy. While the Sandinistas blame the civil war and United States trade sanctions for the current economic crisis, it is in fact their own economic policies which are responsible for the suffering of the Nicaraguan people.

While the Nicaraguan people are enduring great hardships - including unprecedented shortages of food and other essential commodities, high unemployment, skyrocketing inflation and a sharp drop in real wages - the Sandinista elite lead a pampered life: While most of the population of Nicaragua lives in shanties, the comandantes have moved into the luxury homes of Somoza and his followers. While the poor of Managua have even their daily water severely rationed, the comandantes party in the swimming pool at Somoza's former country club. While most of the Nicaraguans ride crammed into worn-out buses or in the back of jerry-rigged trucks, the comandantes drive around in new imported luxury automobiles. While the average Nicaraguan waits in long lines for even the most basic goods, the comandantes obtain highly prized foreign goods at dollar stores which only they are permitted to patronize. While the people of Nicaragua suffer, the comandantes travel the world flaunting their new wealth.

(Mr. Walters, United States)

Although some members of the international community were deceived for many years about the repressive nature of their régime, the truth about Sandinista human-rights violations is now becoming widely known. These supposed defenders of human rights have eliminated virtually all civil rights, including freedom of the press and freedom of assembly. The Sandinistas, who pose as the party of freedom, need a secret police which is ten times the size of Somoza's. They hold thousands of political prisoners - many more than Somoza ever did, and more than any other country in the hemisphere except one, from which we shall hear later in this debate. Held indefinitely in secret police facilities without trial and subjected to multiple forms of physical and psychological torture, many of these prisoners are refused access by any outside organization, even the International Committee of the Red Cross. Many prisoners are never heard from again, victims of "special measures".

The recent report on human rights in Nicaragua by the International League for Human Rights paints a grim picture. Some of its highlights are worth quoting.

On labour unions:

"Human rights violations include bannings of all strikes, collective bargaining and other union activities, the arrest and harassment of many hundreds of leaders and union members and government occupation of union offices. ... Such harassment has included firings, bribes, arrests, threats and blackmail. ... The Nicaraguan Government has thus violated Article 22 of the International Covenant on Civil and Political Rights and Article 8 of the International Covenant on Economic, Social and Cultural Rights."

On arrest and detention:

(Mr. Walters, United States)

"Political suspects do not have the rights to be informed of charges, to be able to consult with attorneys, to have family members visit, to avail themselves of the basic remedy of habeas corpus. Nor does the Government publish the full list of names of detainees. ... The Nicaraguan Government abridges rights to liberty and security of the person in violation of Articles 9 and 14 of the International Covenant on Civil and Political Rights."

On conditions of detention:

"Nicaragua is responsible for torture and cruel, inhuman and degrading treatment or punishment. Methods of torture reported by Nicaraguan prisoners include beatings, rape, mock executions, death threats, food and sleep deprivation, forced postures, prolonged isolation, prolonged detention in darkness, prolonged denial of medical care, hooding and submersion in water. ... Thus Nicaragua stands in violation of Article 7 of the International Covenant on Civil and Political Rights; the United Nations Declaration on the Protection of All Persons from Being Subjected to Torture or Cruel, Inhuman or Degrading Treatment or Punishment; the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the Inter-American Convention to Prevent and Punish Torture."

On Courts:

"Most convictions are based solely on the defendants' own statements, which are commonly exacted under duress or torture. Proceedings are closed. The percentage of convictions is so high as to indicate a predisposition to convict."

(Mr. Walters, United States)

I turn now to other examples of how the Nicaraguans treat their own citizens. The Sandinistas' abuse of the Miskito Indians since 1981 has shocked the civilized world. They have driven tens of thousands of Indians into exile and provoked many of these formerly peaceful people to take up arms to defend their homes against the Sandinistas. The Sandinistas have turned the eastern third of Nicaragua into virtual occupied territory.

Perhaps nothing depicts more vividly the Sandinistas' betrayal of those who supported them in 1979 than their repression of the church. Archbishop, now Cardinal, Obando y Bravo led the church to take a strong position for justice and freedom during the revolution. Some of the comandantes owe their lives to his intervention on their behalf. Since the revolution, for continuing to promote justice and freedom and resisting Sandinista repression church leaders have been attacks and vilified. The church newspaper has been confiscated and its radio station closed. Its social service agency has been occupied by the secret police. Priests have been detained and intimidated. Some 20 priests and nuns have been expelled. Not even the Sisters of Mother Teresa are allowed to enter Sandinista Nicaragua.

In recent weeks, the Sandinista persecution of the church has been intensified. Two key church leaders, Bishop Vega and Monsignor Carballo, both Nicaraguan citizens, have been banished from their own country, where they were born. Pope John Paul II saw firsthand the depths to which the Sandinistas would stoop, when they sent hecklers to disrupt the mass during his 1983 visit. He has spoken out for all Catholics in condemning these contemptible acts. The Catholic Church is the largest in Nicaragua and has consequently borne the brunt of Sandinista repression. Other religious organizations, however, have been targets. Maravians, Mormons, Seventh Day Adventists, Jehovah's Witnesses and Jews have all been persecuted.

(Mr. Walters, United States)

Given these repressive policies, can there be any doubt as to why hundreds of thousands of Nicaraguans have left their homeland to escape Sandinista tyranny, why tens of thousands have risen up in armed rebellion?

Nowhere is the scope of the Sandinistas' betrayal of the Nicaraguan people more visible than in their massive military buildup. As they acknowledge in the "72-Hour Document", they faced no threat. However, they planned from the outset to create the largest military machine in the history of Central America. By using coercion and a highly unpopular draft, the Sandinistas have developed an army 10 times the size of Somoza's. They have received from their Cuban and Soviet allies an arsenal without precedent in the region - battalions of tanks and armoured personnel carriers, fleets of combat helicopters, scores of artillery pieces and multiple rocket launchers and a vast inventory of support equipment. The Sandinistas have turned Nicaragua into an armed camp. Supplied by others, and acting for others, they relish posing in the role of little David standing up to what they term the North American Goliath. In fact, the Sandinistas are, militarily speaking, the Goliath of Central America.

The Sandinistas falsely charge that the democratic resistance is nothing but a force of mercenaries. Who are the real mercenaries in Nicaragua? They are the thousands of Cuban military and security personnel and the other "internacionalistas" the Sandinistas have imported to help them maintain their repressive State. These mercenaries do everything from piloting the helicopter gunships to training the secret police. There are no Americans in Nicaragua killing Nicaraguans, but there are Cubans in Nicaragua killing Nicaraguans.

The Sandinistas have denied their own people the right of self-determination. Of even more concern are their attacks on their neighbours.

(Mr. Walters, United States)

While proclaiming non-alignment, the Sandinistas planned from the beginning to ally themselves with Cuba and the Soviet bloc, as reflected in the "72-Hour Document". By 1980, this party of "non-alignment" was deeply involved in supporting the Marxist guerrillas seeking the overthrow of the Government of El Salvador. The proof of their support is massive and undeniable. It ranges from statements from former guerrillas and survivors of captured documents to hard physical evidence including weapons and munitions, whose origin can be traced by their serial numbers.

The Sandinistas' "revolutionary internationalism" is not limited to El Salvador. They provide covert assistance to subversive groups throughout the region. The Sandinistas directly participated in the 1983 and 1984 attempts to infiltrate subversives into Honduras, as captured subversives have themselves admitted.

The Sandinistas have also supported terrorists in Costa Rica, and their agents have repeatedly attempted or conducted assassinations in that country. The Nicaraguan connection with the weapons used by the Colombian M-19 in the bloody attack on the Palace of Justice in Bogota is well known. Colombian authorities have said that one of the key purposes of the raid, in which 11 judges of the Supreme Court were killed, was the destruction of judicial records in the prosecution of narcotics traffickers. Comandante Tomas Borge, the Sandinista Interior Minister, attended a service in Managua honouring the terrorists killed in that attack.

How ironic it is to hear the Sandinistas passionately defending the principle of non-interference. In their struggle to defeat Somoza, the Sandinistas were only too happy to accept all forms of support - arms, finance, logistical help, training, organizational help - from many other nations, and to operate in and

(Mr. Walters, United States)

mount attacks from the territory of other nations. The 1979 revolution overthrew Somoza with help from other nations. Less than two years later, the Nicaraguan civil war resumed as the democratic elements of the revolutionary alliance, disillusioned and ostracized, took up arms again to save the betrayed revolution. In the civil war which rages in Nicaragua today, both factions of the original revolutionary alliance - the Communists and the non-Communists - receive help from other countries. This civil war will continue until national reconciliation is achieved in Nicaragua.

The Sandinistas have the gall to condemn, on the grounds of alleged intervention, nations which have themselves been the targets of Sandinista aggression. This is the worst form of hypocrisy by the Sandinistas, who have fomented subversion, assassination and terrorism in those countries and have used Nicaragua's own regular military forces in cross-border armed attacks.

The United States has consistently supported efforts to achieve a comprehensive settlement of the crisis in Central America. We have repeatedly stated that we support the Contadora process and would abide by a comprehensive, verifiable and simultaneous implementation of the 1983 Contadora Document of Objectives. As President Reagan said on 24 June, we will support any negotiated settlement that brings real democracy to Nicaragua: we will not support a paper agreement that sells out the Nicaraguan people's right to be free.

We have long sought meaningful negotiations with the Sandinista comandantes. We have attempted to seek an understanding with them through our Embassy in Managua, through numerous high-level delegations which have visited Managua - including Secretary of State Shultz - and through a series of talks between senior officials in 1984.

(Mr. Walters, United States)

This morning the Nicaraguan President proposed a new round of bilateral negotiations with the United States. If the Sandinistas are now serious about seeking an accord with their neighbours and their own opposition, we are prepared to resume direct bilateral negotiations. We are prepared to address the full range of issues which have strained the relations between our two nations.

Since the root problem is not between Nicaragua and the United States but between the Sandinistas and Nicaragua's neighbours and between the Sandinistas and their own people, such bilateral discussions have no chance for success if held in a vacuum. They must be accompanied by serious talks between the Sandinistas and their neighbours as well as between the Sandinistas and their own people.

Bilateral discussions between the United States and Nicaragua must be in conjunction with and in support of a regional peace process. In 1983, Nicaragua and the other Central American States agreed that democratization was essential for an enduring peace. Today, the other four nations are functioning democracies, in keeping with a trend toward democratization throughout Latin America. Only Nicaragua is out of step. Only Nicaragua is moving away from democracy toward an ever-more repressive dictatorship.

Bilateral discussions between the United States and Nicaragua also must be held simultaneously with a dialogue between the comandantes and the Nicaraguan opposition. On numerous occasions the leaders of both the civil opposition and the armed opposition have called for a dialogue without conditions on content. The Catholic Church has repeatedly urged such a national dialogue and offered its good offices. The Sandinistas have been intransigent. They have rejected every overture and viciously attacked those proposing peace talks as traitors.

(Mr. Walters, United States)

The pretext that they have used to justify their intransigence is that the democratic resistance is a force of mercenaries in the service of the United States. It seems that to the Sandinistas, almost anyone who challenges them, be it a priest, a political leader, a labour activist or a journalist, is automatically denounced as a counter-revolutionary and an agent of the CIA. In a poignant letter to Daniel Ortega, printed this morning in The New York Times, La Prensa's Violeta Barrios de Chamorro said:

"Commander Ortega, the same thing is happening here in Nicaragua as in other countries under Communist dictatorship: because there are so many lies every day, no one will believe you on the day when you say something true." (p. A23)

The International Court of Justice has debunked the Sandinistas' argument. Despite the large quantity of evidence and testimony, most of it presented by Nicaragua to try to demonstrate that the democratic resistance was nothing more than "CIA mercenaries", the Court found that the democratic resistance was an independent force not controlled by the United States.

What now will be the Sandinistas' excuse for not negotiating with their own people? Will they try to ignore this part of the Court's decision? Will they accept only the portions of the Court's decision they like? If so, this will reveal that their touted commitment to the implementation of the Court's ruling is nothing more than the most cynical and transparent effort to reap a propaganda coup.

If the Sandinistas seek peace, the door is open. We are ready to talk. Let them show they are ready by entering into serious negotiations with their neighbours. Let them sit down with their own people, many of whom were formerly their allies in the struggle against Somoza, to work towards the achievement of the original goals of the 1979 revolution. The door to peace is open; it is now up to the Sandinistas to walk through that door.

(Mr. Walters, United States)

I wish briefly to note the Communiqué adopted by the Co-ordinating Bureau of the countries of the Non-aligned Movement in New York on 28 July. Its one-sided espousal of Sandinista views is astonishing and disturbing.

They make demands only on the United States. Nothing is asked of the Nicaraguans: not that they stop oppressing their own people, not that they cease the genocide against the Miskito Indians, not that they cease their aggression against their neighbours, not that they restore freedom to their own people.

It is a scandalously one-sided document. And, as I said on an earlier occasion, the alignment of the non-aligned against the United States, the use of double-standards by the non-aligned, once again demonstrated by that document, seriously undermines the concept of true non-alignment.

Daniel Ortega found in the United States a pulpit from which to speak, an audience which listened to him, and freedom to attack the country in which he found himself - things that would be denied to any foreigner in Nicaragua who did not like the policies of the Nicaraguan Government. But then, that is probably the fundamental difference between tyranny and freedom.

The PRESIDENT: The next speaker is the representative of India. I invite him to take a place at the Council table and to make his statement.

Mr. KRISHNAN (India): Mr. President, at the outset may I thank you and, through you, the other members of the Council for enabling my delegation to address this meeting of the Security Council.

My delegation has already had the opportunity to congratulate you, Sir, on your assumption of the presidency of the Security Council for the current month. I recall that the last meeting of the Security Council, when my delegation addressed the Council, was also called at the request of Nicaragua.

(Mr. Krishnan, India)

This month commemorated the seventh anniversary of the victory of the Nicaraguan people over the Somoza dictatorship. We greet Nicaragua on this important anniversary, historic not only in its own context, but in that of nations and peoples the world over. For seven years now, Nicaragua has sought to reconstruct its society and to rekindle the hopes of its people. The Non-Aligned Movement is proud to have played its part in that endeavour and it shall continue to do so.

The Co-ordinating Bureau of the Movement of the Non-Aligned Countries met at United Nations Headquarters yesterday to consider the situation in Central America in the light of the judgement delivered by the International Court of Justice on 27 June 1986 in the case "Military and paramilitary activities in and against Nicaragua". I should like to read into the record of the Council the text of the Communiqué issued by the Bureau:

"The Coordinating Bureau of the Movement of Nonaligned Countries met in New York on 28 July 1986 to consider the situation in Central America in the light of the judgement of June 27, 1986 of the International Court of Justice in the case 'Military and Paramilitary Activities in and against Nicaragua'. The Bureau heard a statement by the Foreign Minister of Nicaragua in which he referred to the case and the threat to international peace and security resulting from the continuation of this dispute.

"The Bureau recalled that the Ministers of the Coordinating Bureau of Nonaligned Countries meeting in New Delhi in April 1986 had 'urged all States faithfully to respect the commitments made to the International Court of Justice, especially the acceptance of the Court's compulsory jurisdiction and the required fulfillment of its rulings and judgements in the analysis of the

(Mr. Krishnan, India)

case of Nicaragua'. The Ministers had also exhorted the United States to comply with the ruling of May 10, 1984 on Provisional Measures of Protection and with the judgement of November 2, 1984 on the jurisdiction and admissibility of the demand of April 9, 1984, presented by Nicaragua.

"Noting with satisfaction the judgement of the International Court of Justice of June 27, 1986 in the case 'Military and Paramilitary Activities in and against Nicaragua', the Bureau made an urgent and strong appeal to the United States to comply, strictly and immediately, with that judgement. The Bureau renewed its call for an immediate end to all threats, attacks and hostile acts, discussion of funding, financing of mercenary groups by the United States Congress and coercive economic measures taken against the people and Government of Nicaragua, all of which are designed, in the short run, to overthrow the legitimately constituted Government of that country and increase the risk of a generalized conflict.

"The Bureau once again urged the Government of the United States of America to resume talks with Nicaragua as a means of reaching a specific agreement on peace in the region based on the principles of mutual respect, sovereignty and self-determination of peoples, with the objective of achieving the normalization of relations between the two countries.

"The Bureau reaffirmed its support for the efforts of the Contadora Group and the Support Group towards finding a political, peaceful and negotiated solution to the crisis in Central America.

"The Bureau reiterated its firm solidarity with Nicaragua and appealed to all members of the Nonaligned Movement, as well as to the international community, to give solidarity and all such assistance as Nicaragua may require in order to preserve its right of self-determination, national independence, sovereignty and territorial integrity."

(Mr. Krishnan, India)

We recall that the situation in Central America was brought to the attention of this Council in March 1982. On that occasion, Mr. Daniel Ortega Saavedra in his capacity as Co-ordinator of the Governing Junta of National Reconstruction of Nicaragua came to speak to the Council. We are honoured to have him again today at the United Nations as the elected President of his country. We listened to his address to the Council with care and attention. It is evident that the situation in the region has steadily deteriorated in the past four years. This should be a matter of grave concern to us all, and more particularly to the Security Council.

(Mr. Krishnan, India)

For the twelfth time Nicaragua has sought action by the Council to preserve its integrity and to protect its character as a sovereign, independent and non-aligned nation. Fourteen months ago, in May 1985, Security Council resolution 562 (1985) affirmed that it was the inalienable right of Nicaragua and other nations in the Central American region to decide on their own political and economic system without external interference or subversion, coercion - whether direct or indirect - or threats of any kind. And yet today these inadmissible acts are continuing - indeed, have been intensified. Nicaragua has not so far obtained the support that it has demanded of the Council. In the meantime, we have the judgement of the International Court of Justice which has been rendered in the following clear and unambiguous terms:

"In the present Judgment, the Court has found that the Respondent has, by its activities in relation to the Applicant, violated a number of principles of customary international law. The Court has however also to recall a further principle of international law ... the principle that the parties to any dispute ... the continuance of which is likely to endanger the maintenance of international peace and security, should seek a solution by peaceful means. Enshrined in Article 33 of the United Nations Charter, which also indicates a number of peaceful means which are available, this principle has also the status of customary law." (S/18221, para. 290)

The Court has also recalled to both parties:

"... the need to co-operate with the Contadora efforts in seeking a definitive and lasting peace in Central America, in accordance with the principle of customary international law that prescribes the peaceful settlement of international disputes." (para. 291)

(Mr. Krishnan, India)

Reference has been made on earlier occasions in this Chamber to inherent political and economic factors in the Central American region almost as if to suggest that overt and covert interference and intervention from outside are a means to overcome these. The Movement of Non-Aligned Countries is not oblivious of these factors. At the Ministerial meeting of the Co-ordinating Bureau of the Non-Aligned Countries in April 1986, the Ministers noted the conditions of poverty and oppression from which the region has historically suffered. They also reiterated that the process of change in Central America could not be explained in terms of ideological confrontation between the military blocs. They reaffirmed the necessity of concrete actions to guarantee the security of Central American States which would lead to the creation of that climate of stability and confidence which constitutes the basis for reaching peace and co-operation in Central America. They recognised that an immediate halt to all acts of aggression against Nicaragua is a fundamental step for reaching these objectives.

This consciousness of the Non-Aligned Movement derives not only from its perception that instability and destabilization in Central America are a danger to peace and security the world over but from the realization that true sovereignty of States in the region will be a positive factor in the global endeavour. Meeting for the first time in the Caribbean area, at Georgetown in 1972, the Conference of Foreign Ministers of Non-Aligned countries, in the Declaration that was adopted on that occasion:

"... agreed that the realization of Latin America's full and true independence is an essential element in the general emancipation process of the developing countries and in the strengthening of international peace and security."

Indeed, at the very first summit conference of the Movement at Belgrade in 1961 the Heads of State or Government assembled at that time expressed their determination in the Declaration that was adopted on that occasion that:

(Mr. Krishnan, India)

"... no intimidation, interference or intervention should be brought to bear in the exercise of the right of self-determination of peoples, including their right to pursue constructive and independent policies for the attainment and preservation of their sovereignty."

"There are so many things", wrote Pablo Neruda, "that one wants to forget. And yet there is no forgetting." Each instance of external interference and instigation in this region, or anywhere else in the world, is a reminder to all of us who have overcome our colonial past that our struggle is not yet fully over. Each instance renews our determination to be worthy heirs of our history and worthy progenitors of our future.

The PRESIDENT: The next speaker is the representative of Democratic Yemen. I invite him to take a place at the Council table and to make his statement.

Mr. AL-ASHTAL (Democratic Yemen) (interpretation from Arabic): Allow me at the outset, Sir, to congratulate you on your assumption of the presidency of the Council for this month. Your proverbial wisdom and diplomatic skills encourage us to believe that this body will succeed in its efforts to find solutions that will bring about stability and security in the Central American region.

I should like through you, Mr. President, to express our appreciation to your predecessor, Ambassador Rabetafika of Madagascar, who was able, during his presidency of the Security Council last month, to fulfil his tasks effectively thanks to the diplomatic skills and long experience gained in his international diplomatic career.

I should also like to take this opportunity to welcome Mr. Daniel Ortega, the President of the Republic of Nicaragua, who is participating in these meetings called by his Government. In this connection, my Government appreciates Nicaragua's

(Mr. Al-Ashtal, Democratic
Yemen)

tireless efforts to settle disputes by peaceful means according to the principles of the Charter. We believe that these efforts strengthen the credibility of the United Nations as a tool for the maintenance of international peace and security.

As Chapter VI of the Charter concerning the pacific settlement of disputes stresses:

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." (Article 33/1)

Based on that principle, and on relevant articles of the Statute of the International Court of Justice, Nicaragua, a Member of the United Nations, has submitted to the International Court of Justice its complaint against the United States of America for its violation of the relevant rules of international law by arming, training and leading the contras and by mining Nicaraguan ports, among other acts of aggression against Nicaragua.

In the light of these facts, the International Court of Justice - which is the organ mandated to settle the disputes submitted to it according to the rules of international law - has acted upon Nicaragua's complaint and rendered its judgement that the United States of America has violated its commitments under customary international law, as regards non-intervention in the affairs of other States, the non-use of force, the violation of national sovereignty and the hampering of pacific maritime trade.

(Mr. Al-Ashtal, Democratic Yemen)

The court has ruled that the United States of America has committed an act against Nicaragua that runs counter to its commitment under article 19 of the Treaty of Friendship, Trade and Navigation signed by Nicaragua and the United States of America on 21 January 1965. It is well known that the United States Administration has yet to respond positively to the rulings of the International Court of Justice, which was established by the international community to settle international disputes. Furthermore, the United States has deliberately expanded its intervention in the internal affairs of Nicaragua. Most recently, the Congress of the United States has approved aid to the contras in the amount of \$100 million. That action attests to the escalation by the United States of its designs against Nicaragua in order to destroy its present political régime. That decision to offer aid will have disastrous consequences for the security and stability of the region; furthermore, it will increase tension in that part of the world.

Nicaragua's request for the Security Council to meet and the presence of the President of Nicaragua, Daniel Ortega Saavedra, in these meetings in order to expose the negative attitude of the United States and its unwillingness to abide by the judgement of the International Court of Justice confers upon the Security Council the extremely important international duty of comprehensively examining ways and means to put an end to the persistent violation of international law by the United States in its actions against Nicaragua.

This body represents the aspirations of the international community to maintain international peace and security and to work towards gaining United States acceptance of the relevant rulings of the International Court of Justice in order to spare the Central American region any further escalation of tension and to allow the peoples of those countries to live in conditions of stability and peace.

(Mr. Al-Ashtal, Democratic Yemen)

In this connection, Democratic Yemen believes that this organ must give impetus to the efforts of the Contadora Group to facilitate a global and peaceful settlement of the problems in the region. The United States, as a member of the Security Council, should join the international consensus on the need to solve the problems of Central America by peaceful means through the efforts of the Contadora Group, which had enjoyed the support of the United States in the past. We believe that to be the only way to avoid any further tension in the region.

With respect to threats, the use of force or intervention in the internal affairs of sovereign States, such actions violate international law and the purposes of the United Nations Charter. Furthermore, they do not advance the establishment of peace and security among the countries of Central America.

While condemning all forms of political activity that involve aggression against Nicaragua, Democratic Yemen appeals to this body to support Nicaragua in its request to have the United States abide by the rulings of the International Court of Justice and to call upon the United States to put an end to its policy aimed at threatening the territorial integrity of Nicaragua, intervening in its internal affairs and infringing upon its freedom to choose its own social, economic and political régime.

The PRESIDENT: I thank the representative of Democratic Yemen for his kind words addressed to the presidency.

The next speaker is the representative of Czechoslovakia. I invite him to take a place at the Council table and to make his statement.

Mr. KULMIEC (Czechoslovakia): Mr. President, I should like first to thank you and the other members of the Council for giving my delegation the opportunity to address the Council for the second time this month.

(Mr. Kulawiec, Czechoslovakia)

The Security Council is meeting under your presidency once again to consider the actions of the United States Government against Nicaragua. We have fully supported the reconvening of the Council on this matter, because of the serious nature of the situation and in view of the distribution of official documents of the International Court of Justice, including its judgement of 27 June of this year. We consider it very important that the Council's discussion adhere to the essence of the problem and that attempts to bog down the debate in procedural legal questions be prevented.

The judges of the International Court of Justice have accomplished an extensive task: That highly authoritative forum found the policy of the United States Government against Nicaragua to be aggressive and thus illegal.

The voluminous documentation from the proceedings of the International Court of Justice, as well as the judgement of that body, which is one of the main organs of the United Nations, give evidence of the extensive diversionist activities of the United States Government against Nicaragua aimed at overthrowing that country's Government and changing its social system. We have had an opportunity to learn about a number of aspects of that undeclared war, which is organized, financed and fought by the United States Government and by forces for which that Government bears full responsibility.

The situation in Nicaragua, the determination of the Nicaraguan Government and people to defend their country, as well as the consequences of the rampage by counter-revolutionary mercenaries could be seen on the spot two weeks ago by the delegations of more than 80 countries from all over the world, including Czechoslovakia, that attended the observance of the seventh anniversary of the victory of the Sandinista revolution. During those festivities another crime of the contras was planned - an attempt on the life of President Ortega. Fortunately,

(Mr. Kulawiec, Czechoslovakia)

that intended assassination was prevented; yet the rampage of former members of Somoza's guard has already taken a toll of 14,000 Nicaraguan lives.

I do not deem it necessary to repeat all the findings of the International Court of Justice, including one qualifying the all-around arming, training and financing of the contras as a violation of international law and of the principle of non-interference in other countries' internal affairs.

In this connection, my delegation considers that the manual of the Central Intelligence Agency on "psychological operations" and the instructive brochure for saboteurs have played a significant negative role in the escalation of violence and terror perpetrated by the contras and that the United States Government bears full moral responsibility for the consequences of that "training" of bandits.

(Mr. Kulawiec, Czechoslovakia)

The Republic of Nicaragua is a developing country confronted with a number of economic problems. Owing to the imperialist aggression being waged against it, that country is suffering severe human and material losses that make its over-all situation even worse. Nicaragua has submitted a claim to the International Court of Justice for damages in the amount of US\$370.2 million. Unfortunately, the damage caused Nicaragua will undoubtedly grow with the intensification of the subversive activities and sabotage of the contras as a result of the recent \$100 million increase in United States aid. My country expresses its conviction that the International Court of Justice will again take up the question of compensation to the Republic of Nicaragua and settle it in Nicaragua's favor.

During its intensive discussions this year the Security Council has heard a great number of statements expressing the unequivocal will of the overwhelming majority of States Members of the United Nations to adhere to the fundamental principles of international law, the United Nations Charter and internationally adopted obligations. We are gratified to note that in its judgement the International Court of Justice has once again explicitly underlined the vital importance of compliance with civilized norms of inter-State relations for the future destiny of peace and security in the world.

The International Court of Justice considered the case submitted to it in relation, inter alia, to the principles of the non-use of force, non-interference and the right to collective self-defence and arrived at unambiguous conclusions about the illegal nature of United States actions against Nicaragua. The Court pointed out that an unqualified adherence to practices similar to those being pursued by the United States would result in damage to the fundamental principles of international law and, thus, in an absolute arbitrariness in international relations. We fear that the events of this year fully validate those concerns expressed by the International Court of Justice.

(Mr. Kulawiec, Czechoslovakia)

Czechoslovakia fully supports the diplomatic efforts of Latin American countries to find a just and peaceful solution to the situation in Central America. The Contadora movement has rightly gained authority and won the respect of the international community. It is imperative that that process continue without external interference. We reject any attempt, no matter what the pretext, to countervail the Contadora process by the creation of artificial structures. In that connection I should like to recall that as early as the thirty-eighth session of the United Nations General Assembly the Czechoslovak delegation pointed out the dangerous nature of the attempts to revive old military pacts in that region, especially the Central American Defence Council (CONDECA) Pact. Our position remains valid today.

We consider it high time that United States interventionism and dangerous Pentagon studies on a direct act of United States aggression involving a possible 100,000-thousand-man force gave way to the urgent need to preserve peace and adhere to legal norms. It is high time that the United States, as a permanent member of the Security Council, acted with due regard to its responsibility before the entire international community. The Security Council faces an extremely difficult task: that of fulfilling its obligations. The Council's attitude to the draft resolution inspired by the judgement of the International Court of Justice will determine whether the Council succeeds in discharging that task.

The PRESIDENT: The next speaker is the representative of the Syrian Arab Republic. I invite him to take a place at the Council table and to make his statement.

Mr. AL-ATASSI (Syrian Arab Republic) (interpretation from Arabic): My delegation had occasion to congratulate you, Mr. President, on your accession to your office earlier this month,, but we should like to express to you once again our great appreciation for the efforts you have exerted during this busy month of

(Mr. Al-Atassi, Syrian Arab Republic)

July, as well as to pay a tribute to the competence, experience and expertise you have shown in guiding the deliberations of the Council.

The Security Council is meeting today in response to a new complaint by the Government of Nicaragua against the United States of America. The earlier complaint was brought before the Council barely a month ago. This Chamber has already been the scene of many meetings on the subject of the threats and acts of aggression perpetrated by the United States against Nicaragua: the mining of its ports, the imposition of trade embargoes against it and the financing and training of mercenaries to undermine its sovereignty and overthrow its progressive, revolutionary régime.

Today's complaint also is submitted by the Government of Nicaragua against the United States of America. However, it is not limited to those two parties, to the region of Central America or to threats to peace and security in that region alone: Today's complaint relates to threats to the international legal system and to the régime of international commitments and conventions. This morning, we heard President Ortega call upon the Security Council to shoulder its responsibilities and call upon the United States to comply with the judgement of the International Court of Justice and the legal arguments adduced by the justices and to cease forthwith its military activities in and against Nicaragua.

(Mr. Al-Atassi, Syrian Arab Republic)

The judges have also called upon the United States of America to cease supporting, financing and training the mercenaries and counter-revolutionaries against the Nicaraguan revolution.

The United States Administration has rejected the decision of the International Court of Justice. Its representative in the Council has also expressed rejection of the decision and even denied the Court any jurisdiction to consider these problems. The pretext of self-defence put forward by the United States Administration is flimsy and unconvincing. No one can believe that a giant such as the United States of America can feel threatened by Nicaragua, a small, peace-loving, non-aligned State. Such are the well-known pretexts used by the United States to express annoyance with any State that pursues an independent political path. They have become the hallmark of the United States policy to suppress the popular will and supplant the rule of law by the rule of force.

If the Council fails to put an end to the arrogant policy of force and arrogance, all civilized, human values and international legal principles, foremost among them that of peaceful coexistence among States in an atmosphere of international co-operation, will become extinct. If we allow the mighty to prevail in international relations, the basis on which our international Organization has been founded will be jeopardized and international peace and security endangered. If the United States wishes to exist in a civilized society governed by the rules of peaceful coexistence among States, including the free choice of political and economic systems, the United States must cease forthwith to interfere in the internal affairs of independent States. Nicaragua and other countries of the world want to live in peace, free from any outside threat.

(Mr. Al-Atassi, Syrian Arab Republic)

The United States of America must realize that support for mercenaries and co-operation with racist régimes can in no way serve the cause of peace in the world.

Support for the racist apartheid régime in South Africa is simply an attempt to thwart the aspirations of the African people to freedom and independence. Similarly, military and financial support for the racist régime in occupied Palestine is a blow to the aspirations of the Arab people to freedom, sovereignty and independence. The policy of force and hegemony pursued by the United States in various parts of the world is a despicable one.

The international community has condemned threats and acts of aggression. The bombing of Libya by American jet aircraft, the raids on civilian targets and the killing of innocent civilians have been supported only by the United States Administration. The United States abuse of the veto in this Council to shield its agents in South Africa and occupied Palestine can only undermine the foundations of our international Organization and, thus, the rule of justice and law in the world.

Peace in Central America will not be attained by United States aggression against Nicaragua or by the mining of Nicaraguan ports. It cannot come about by aiding mercenaries to topple the Nicaraguan revolution. Peace can only be achieved through constructive dialogue, recognition of the right of the people of Central America to self-determination and through international efforts, especially through the Contadora Group and the Support Group, to find a political, peaceful solution to the crisis in Central America.

(Mr. Al-Atassi, Syrian Arab Republic)

My delegation appeals to this Council to shoulder its responsibilities in these difficult times. Defending the international legal system is one of the Council's most urgent tasks. In this case it is Nicaragua that is directly affected here; however, in its complaint Nicaragua represents the aspirations of all States, in particular the small States. The Council's success in compelling the United States to abide by the decision of the International Court of Justice is a success for the cause of defending the international legal system. Should the Security Council fail in this, it would be an ominous sign for the future.

In conclusion, my people is in full solidarity with the Nicaraguan people; my Government fully supports the Government of Nicaragua. Our struggle is one and the same - for freedom and independence.

The PRESIDENT: I thank the representative of the Syrian Arab Republic for the kind words he addressed to the presidency.

I call upon the representative of Nicaragua, who has asked to be allowed to speak in exercise of the right of reply.

Mrs. ASTORGA GADEA (Nicaragua) (interpretation from Spanish): We listened with attention to the representative of the United States but all we heard was another litany of accusations, lies, disinformation and distortions on the basis of which the Government of that country has been trying to find justification for its aggression against my country.

In the total absence of a legal, political or moral basis to support its policy of aggression against Nicaragua, the United States has attempted to divert the international community's attention and shirk its responsibilities by falsely accusing Nicaragua of crimes and inappropriate, illegal activities at the international level.

(Mrs. Astorga Gadea, Nicaragua)

The self-same arguments adduced today by the representative of the United States had been submitted to the International Court of Justice by his Government. On 27 June of this year the Court issued a clear and categorical decision, one that brooks no doubt.

This morning the President of Nicaragua explained in detail the Court's main considerations and conclusions. I shall confine myself to mentioning only some of them.

(Mrs. Astorga Gadea, Nicaragua)

In its main consideration the Court decided - and this is important - that the United States, by training, arming, equipping, financing and supplying the contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, has acted against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another State.

In article 2 of the operative part of its ruling the Court rejects the justification of collective self-defence maintained by the United States in this connection. What is more important, it states that the evidence presented by the United States was inadequate to satisfy the Court that the Nicaraguan Government was responsible for any flow of arms to Salvadorian revolutionaries. It is clear that Nicaragua is not the aggressor. It is also clear that the United States is the only country perpetrating aggression in Central America, the only country violating the territorial integrity, sovereignty and right to self-determination of peoples. It is not we, Nicaragua, who say this, but the International Court of Justice.

We are pained at the fact that the United States Government, which claims to respect international law, is flagrantly violating it with respect to my country. We are sorry to see that it is the policy of the United States to avail itself selectively of international law by complying with it on some occasions and not on others. For our part we also regret the fact that today the United States representative has once again asserted that his country will pursue its policy of aggression against my country, that it will continue to perpetrate aggression against my country in the name of democracy and freedom, which it claims to uphold. For our part we shall continue to seek dialogue, negotiation and understanding and are ready, if the United States is also ready, to seek machinery

(Mrs. Astorga Gadea, Nicaragua)

to settle our differences. Nicaragua is ready to work for peace, as has been abundantly demonstrated over the years. Even now the United States still has an opportunity to change and to amend the situation and to respect the will of the international community and the rights of small countries. It can still abide by the ruling of the International Court of Justice by immediately ceasing all military and paramilitary activities in and against Nicaragua. We are here. We are ready to find that solution and understanding.

The PRESIDENT: There are no further speakers for this meeting. The next meeting of the Security Council to continue consideration of the item on the agenda will take place tomorrow, Wednesday, 30 July 1986, at 11 a.m.

The meeting rose at 5.05 p.m.

