

finding a peaceful resolution. The United States had not taken a position of the question of sovereignty. Both parties to the dispute were its friends, and both parties had made efforts to resolve the dispute, although tensions obviously persisted. The United States believed that a more stable basis of mutual trust needed to be established, and that the initiation of direct talks could contribute to that objective.<sup>15</sup>

The representative of China stated that Argentina's claim to the Malvinas Islands should be respected by the international community, and he pointed out that the non-aligned movement and the Organization of American States had adopted resolutions on a number of occasions that supported Argentina's position regarding its sovereignty over the islands. China was concerned at the situation in the South Atlantic caused by the British military exercises in the Malvinas and hoped that the two parties would find a

fair and reasonable solution through peaceful negotiations.<sup>16</sup>

The representative of Nicaragua stated, among other things, that because the Malvinas were a colonial enclave its inhabitants were not entitled to self-determination.<sup>17</sup> In a similar vein, the representative of Guatemala pointed out, *inter alia*, that both the General Assembly and the International Court of Justice had recognized that the principle of territorial integrity had primacy over the principle of self-determination in cases where colonial occupation had affected the territorial sovereignty of independent countries.<sup>18</sup>

Further statements by the representatives of the United States, Argentina and the United Kingdom followed,<sup>19</sup> after which the President declared that the Council had concluded the present stage of its discussion on the item before it.

<sup>15</sup>*Ibid.*, pp. 18-20.

<sup>16</sup>*Ibid.*, p. 21.

<sup>17</sup>*Ibid.*, pp. 22-26.

<sup>18</sup>*Ibid.*, pp. 42-43.

<sup>19</sup>*Ibid.*, p. 48 (United States), pp. 48-53 and 59-61 (Argentina) and pp. 54-58 and 61-62 (United Kingdom).

#### 34. LETTER DATED 17 MARCH 1988 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

##### INITIAL PROCEEDINGS

By a letter<sup>1</sup> dated 17 March 1988 addressed to the President of the Security Council, the representative of Nicaragua requested a meeting of the Security Council to consider the serious situation created by threats and aggression against his country and by the decision of the United States Government to send American troops to Honduran territory.

At the 2802nd meeting, on 18 March 1988, the Council included the letter in the agenda. Following the adoption of the agenda, the Council invited, at the same meeting, the representatives of Colombia, Costa Rica, Honduras, Nicaragua and Peru, and at the 2803rd meeting, the representatives of Viet Nam and Zimbabwe, to participate in the discussion, without the right to vote, in accordance with the provisions of the Charter and rule 37 of the provisional rules of procedure of the Council. The item was discussed at the 2802nd and 2803rd meetings, on 18 and 22 March 1988.

At the 2802nd meeting, the representative of Nicaragua described the latest crisis resulting from the escalation of threats to his country and by the decision of the United States Government to send 3,200 troops to Honduran territory, which was in line with the United States policy in Central America, including financial aid to the Contra forces. He also gave an account of a Sandinista People's Army military operation that had started on 6 March, in the area 5 kilometres from the border with Honduras, intended to drive mercenary forces from Nicaraguan territory in an action of legitimate self-defence of its sovereignty and territorial integrity. The representative said that the President

of Nicaragua had contacted the President of Honduras and proposed a summit meeting; another meeting had been proposed between the heads of military forces of both countries and yet another, at the initiative of the President of Guatemala, of the Central American Foreign Ministers. The Government of Nicaragua had also formally requested the Secretary-General of the United Nations and the Secretary-General of the Organization of American States (OAS) to send a mixed technical mission to investigate *in situ* the recent border incidents on Nicaraguan territory, so that specific recommendations for the disarmament and withdrawal of the mercenary troops could be made.

Despite all the initiatives, a provocative bombing of Nicaraguan border territory by two United States aircraft had occurred. All this, the orator commented, was aimed at scotching the previously adopted agreements,<sup>2</sup> at sabotaging the forthcoming ceasefire negotiations, at creating the necessary climate for obtaining fresh funds of a 30-to-33-million-dollar aid package for the Contras in the United States Congress; at laying the ground for direct military intervention against Nicaragua; and at strengthening the United States of America's presence in Central America. The speaker concluded his address by appealing to the Government of Honduras to live up to the Esquipulas II Agreements, and urged the United States Government to comply with the ruling of the International Court of Justice of 27 June 1986.

The representative of Honduras repudiated the charges and claimed that the territory of his country had been attacked by Nicaragua using artillery and its air force. Nev-

<sup>1</sup>S/19638.

<sup>2</sup>Esquipulas II Agreements, adopted at the San José Summit on 16 January 1988 (A/42/521).

ertheless, the Government of Honduras had refrained from complaining to the Security Council because of its commitment to the search for a solution through diplomatic bilateral and regional channels. He rejected the Nicaraguan proposal to dispatch a joint United Nations—Organization of American States commission to the border area to investigate the situation, arguing that it would “allow Nicaragua to continue to use international forums to cover up its lack of compliance with its obligation as a State”. He informed the Council of the contacts between the President of Honduras and the President of Nicaragua and the President of Costa Rica on the matter, and pointed out that his country, although determined to act with restraint, would adopt appropriate measures in exercise of its right of self-defence under Article 51 of the Charter of the United Nations. The speaker also informed the Council of the request of the President of Honduras to the President of the United States to provide effective assistance to his country in the face of aggression, in response to which 3,500 United States troops were stationed at a Honduran airbase in the central part of the country as an act of a preventive strategy. He also reported a Honduran air attack, within Honduran territory, against a Sandinista military post, which had been providing logistical support for the aggressive activities of Nicaraguan troops. He asserted that the Nicaraguan Government had provoked the tension in order to free itself from complying with the Esquipulas II Agreements,<sup>3</sup> that it rejected mediation by Cardinal Bravo, that, on the one hand, it was calling for negotiations and, on the other, tried to destroy its negotiating partners. He suggested that internal negotiations in Nicaragua would remove the need for military attacks. He called upon the Nicaraguan Government to cease its aggression against the sovereignty and territorial integrity of Honduras and to withdraw its troops from his country’s territory.<sup>4</sup>

The representative of the United States of America conveyed his Government’s support for the peace agreements of the Central American Presidents calling for Nicaragua to implement its commitments to democratization, and pointed out that the Government of Nicaragua had battered the peace process by arresting the leaders of the opposition, halting discussions with the resistance, minimizing the mediation role of Cardinal Bravo and by the latest military incursion into Honduras. Nicaragua, according to the speaker, had the largest army in Central America, had deliberately violated the sovereignty of Honduras, bombed Honduran territory for several days, and deployed 1,500 to 2,000 troops on Honduran soil. In response to an explicit request by the Government of Honduras,<sup>5</sup> the President of the United States had ordered the deployment of an Infantry Brigade Task Force at an airbase far from the area of hostilities, which did not constitute a threat to Nicaragua. The representative suggested that Nicaragua had increased its activities by moving equipment and troops closer to the border and by establishing a forward staging area within 45 miles of the Honduran border as a reaction to a vote in the United States Congress ending aid to the Nicaraguan resistance, which demonstrated the intention of the Sandinistas to solve their civil war by crushing all opposition and destroying the resistance. He urged the Government of

Nicaragua to cease its aggressive approach and stand by its commitments.<sup>6</sup>

The representative of Brazil appealed to the parties directly involved in the conflict—the United States, Honduras and Nicaragua—to halt and reverse the military escalation in the region, to show respect for the principles of international coexistence, non-intervention and condemnation of recourse to violence enshrined in the Charter of the United Nations. He stated that his Government would take a favourable view of the acceptance by the Secretary-General of the request to send a verification mission to the area of conflict.<sup>7</sup>

The representative of Argentina expressed concern over the fact that “foreign troops” had been sent to a country in the region and emphasized the need for full respect for the principles of non-intervention and self-determination. He expressed his country’s support of a negotiated solution to the conflict envisaged in the Contadora Act and the Esquipulas II Agreements.<sup>8</sup> He called upon the Governments of Honduras and Nicaragua to lessen the tension in the border area, to guarantee respect for territorial integrity and non-use of their territories as “bases for armed actions against other States”.<sup>9</sup>

The representative of Costa Rica conveyed the statement of the Foreign Minister of his country which called on the parties to resort to calm and measured dialogue, observing the principles of the Esquipulas II Agreements. He explained that his country did not consider itself part of the problem of Central America, but that it was profoundly affected by the flow of refugees and the uncertainty which led to setbacks in economic life. He observed that, while the Executive Commission set up by the five Presidents of the Central American Republics had been working on the implementation of existing agreements and, at the national level, efforts had been made to reach a ceasefire agreement, the Government of Nicaragua had been attempting to achieve the total military defeat of its opponents, and had entered the territory of Honduras, which had provoked the inevitable reaction by Honduran authorities—their request for assistance from the United States. He called for a return to the negotiating process and expressed the hope that the scheduled meeting of the Executive Commission would take place.

The representative of Peru expressed his Government’s great concern over the decision by the United States Government to send military forces to the territory of Honduras, and urged the Governments of Honduras and Nicaragua to take the path of direct dialogue to reduce tension and guarantee respect for the territorial integrity of each other.<sup>10</sup>

The representative of Nicaragua repudiated the allegations of aggression against Honduras, as his country had no claims on its territory. He referred to the testimony given to the International Verification and Control Commission founded within the framework of the Esquipulas II Agreements that hundreds of Honduran families had been removed from their homes owing to the fact that “foreign forces were occupying large sectors of territory in the

<sup>3</sup>A/42/521.

<sup>4</sup>S/PV.2802, pp. 16-25.

<sup>5</sup>See S/19643.

<sup>6</sup>S/PV.2802, pp. 26-30.

<sup>7</sup>Ibid., pp. 30-31.

<sup>8</sup>A/42/521.

<sup>9</sup>S/PV.2802, pp. 32-33.

<sup>10</sup>Ibid., pp. 38-40.

southern part of the country". He called it "the occupation imposed on the Government of Honduras by the United States pressure" that should be denounced in the Security Council. He noted that the falsity of the accusations levelled by the representatives of Honduras and the United States was proved by their refusal to receive a technical mission of experts from the United Nations and OAS to investigate the incidents. The speaker repeated his call for the Government of Honduras to resolve the problem through bilateral and regional channels and by agreeing to a technical mission by the United Nations which would visit both Honduras and Nicaragua.

At the 2803rd meeting, the representative of Zimbabwe reminded the Council that the crisis in Latin America had exercised the efforts of the international community for a considerable time. The conflict was addressed in General Assembly resolutions and the Security Council debates. The Movement of Non-Aligned Countries had issued statements and dispatched missions to the region. Trying to identify the underlying causes of the problem, the non-aligned countries found that attributing them to the ideological confrontation between the opposed Power blocs was too simplistic and paternalistic. They considered the changes in Central America to be of a socio-economic nature. The solution could be found in recognizing the vibrant pulse of the people's quest for freedom to choose their political, economic and social systems without outside interference. The representative, on behalf of the Movement of Non-Aligned Countries, favoured authentic indigenous initiatives for solving regional problems and called for the support of the Contadora process. The obstacles placed in its way had led to the loss of thousands of lives, the squandering of billions of dollars of much-needed resources and the continuation of human suffering.

The representative went on to say that the Esquipulas II Agreements that called for amnesty and dialogue, an immediate ceasefire, a process of democratization and elections was an assertion of the will of the people of Central America to take control of their destiny. The five States of the region had committed themselves to prevent the use of their territories by destabilizing irregular forces and had requested the suspension of aid to them. The effect of the Accords had been profound. All Governments of the region had tried to comply with their provisions. Nicaragua had moved further than the rest: exiles had been allowed to return, the borders with Honduras and Costa Rica had been reopened, a ceasefire had been promulgated and the readiness to negotiate with the Contras the mechanics of the ceasefire had been expressed. The author of the Agreements, the President of Costa Rica, continued to appeal to outsiders to stop aid to the insurgents and to give the peace plan a chance. The United States Congress had refused to renew the aid to the Contras for that year. In those circumstances, the information had come that the United States was dispatching over 3,000 troops to Honduras because of cross-border raids in the region.

The speaker questioned the explanation by the President of the United States that the troops were not there to fight. He considered that "sabre rattling" could not serve the cause of peace in Central America. The manoeuvres impeded the Guatemala Accords, as well as introduced a dangerous new element to an already complex situation.

He reiterated his support for the peace plan worked out between the Central American Governments and appealed

to the United States to recall its troops. He also called upon the fraternal countries of Nicaragua and Honduras not to undermine the peace process.<sup>11</sup>

The representative of Colombia read out the communiqué issued on 18 March 1988 by the members of the Contadora Group and the Support Group. The communiqué expressed profound concern at the escalation of foreign military presence in Honduras; reiterated the need to comply with the principles of non-intervention and peaceful settlement of disputes; appealed to the Governments of Nicaragua and Honduras to reduce tension on their border and to guarantee non-use of their territories for aggression against another State; reiterated that dialogue and direct negotiations were the only lawful means of solving the region's problems; urged the parties to exercise restraint; and urged the Secretary-General of the United Nations to arrange for the immediate dispatch of an observer mission to contribute to the restoration of peace.

The speaker was pleased that the Secretary-General had already proceeded to send the observer mission and that the talks had started between the representatives of the Government of Nicaragua and the irregular forces.<sup>12</sup>

The representative of Algeria made a statement on behalf of the delegations of Argentina, Nepal, Senegal, Yugoslavia and Zambia. He said that the latest dangerous developments had taken place while a process of great promise for lasting restoration of peace in the region was under way. The military escalation marked a disruption of a venture which promoted dialogue and negotiation as the exclusive means for restoring trust and regional cooperation. That escalation had also damaged the results of the efforts of the Contadora and Support Groups and the Esquipulas II Agreements, a process where the absence of any foreign interference was presupposed. He commended the statement of the representative of Colombia suggesting ways of de-escalating tension. He welcomed the reassuring steps indicating a return to moderation and restraint.

He considered that, at a time when the great Powers realized the need for settlement of regional conflicts, it was important for them to promote such settlements in full awareness of the elements of which the conflicts were composed, but without artificially introduced dimensions, as well as with due respect for all the rights of the peoples and sincere encouragement for regional initiatives and for the efforts of the United Nations. He trusted that the mission of inquiry sent by the Secretary-General would be capable of establishing the facts and help to de-escalate the tension.<sup>13</sup>

The representative of Honduras said that he had listened carefully to the delegates of the countries members of the Contadora Group and the Support Group, as well as to the other representatives. He stated that it was the right and the duty of every State to provide for its national defence, and that exercising that right in case of aggression could not be regarded as failing to abide by its international obligations. In his opinion, a State using force and violating neighbouring borders to carry out military operations deserved the condemnation of the international community. The world

<sup>11</sup>S/PV.2803, pp. 6-13.

<sup>12</sup>Ibid., pp. 13-16.

<sup>13</sup>Ibid., pp. 16-20.

seemed to be confused, paradoxically expressing concern over the results, while omitting reference to the cause.

The representative considered that his country had been the victim of aggression by an enemy with forces seven times greater than its own and which had recently received nearly 3,000 tons of arms, munitions and equipment. The Government of Honduras, in exercising its right to self-defence, had called upon the United States for immediate assistance to ensure the country's security in the face of an ongoing act of aggression. He thought that the only concern about foreign military presence in the territory of his country should be for the troops of the Sandinista People's Army that had invaded Honduras.

The speaker further emphasized certain aspects of the statement made earlier by the Contadora and Support Groups, in particular, the appeal for respect of territorial integrity, presumably, of Honduras; the respect for the principle of non-use of force, meaning the withdrawal of Nicaraguan troops from Honduran territory and the areas bordering it; reiteration of the principles of peaceful settlement of disputes, appealing to Nicaragua to place itself within the framework of the machinery set up by the Central American Presidents for overcoming the regional crisis; and the statements that dialogue and direct negotiations were the sole, legitimate means to resolve the problems of the region.

The representative maintained that peace in Nicaragua could not be achieved through the physical elimination of armed political opposition. An end to internal conflicts, such as the one in Nicaragua, was a necessary condition for reaching regional peace. The important elements in that direction should be cessation of hostilities, an effective ceasefire, and the return of refugees and, as an inevitable result, the democratization process.

The speaker enumerated the actions of his Government, such as direct contact with the Government of Nicaragua; resort to regional diplomatic channels; avoiding direct confrontation with the troops invading Honduras; limiting the military response and international assistance to acts of deterrence which, according to him, could not jeopardize the peace process or aggravate the tense situation in the region.

With regard to the sending of an observer mission, his Government did not believe it necessary, since a mechanism set up by the Central American Presidents, the Executive Committee, already existed. There was no reason to renounce the mandate given by the five Presidents to their Foreign Ministers. He noted that a meeting of the Executive Committee was being planned where the Central Americans themselves would analyse the situation. The situation in the border region between Honduras and Nicaragua, as well as the report of the respective Commission for National Reconciliation, a Nicaraguan proposal regarding verification follow-up, a proposal by Honduras for the creation of an international security mechanism along the Honduras-Nicaragua-El Salvador border and a report on the status of refugees and the homeless were to be considered at the meeting. He concluded by expressing the hope that the Government of Nicaragua would reiterate its commitment to the Esquipulas II Agreements and endeavour to achieve international reconciliation.<sup>14</sup>

The representative of Nicaragua started with expressing the deep thanks of her Government to the Secretary-General for the prompt response to the request to send a technical mission to investigate border incidents on Nicaraguan territory between the Reagan mercenary forces and soldiers of the Sandinista People's Army. Following the investigation, the mission was supposed to make recommendations on elimination of the causes of such incidents. She described the latest events as an artificial crisis created by the United States Government to justify sending troops to Honduras and thus save its mercenary forces from a complete military defeat, set the stage for direct military action against Nicaragua and obtain funds to continue its war against his country. The troops that were initially declared to be confined to military exercises 120 miles from the Nicaraguan border were gradually moved as close as 15 miles in disregard of the prohibition on the United States troops permanently stationed in Honduras to go nearer than 20 miles from the Nicaraguan border. The provocative and intimidating nature of threats, violations of airspace and bombing of Nicaraguan territory pointed to plans to find a pretext for a direct invasion and a large-scale military action. She considered that a commitment that the United States troops would go into combat upon the request of the Government of Honduras was a very serious matter, since the decisions on such requests were taken by the United States.

The representative recalled that, after signing the Esquipulas II Agreement, the President of Nicaragua, upon the request of the President of Honduras, postponed the public hearings in Nicaragua's case before the International Court of Justice. Nevertheless, the Government of Honduras failed to take action to dismantle the communication centre, the radio stations and logistic bases maintained by the Reagan Administration's mercenary forces. Moreover, it continued to make its territory available for the launching of military operations against Nicaragua. It has also rejected any type of on-site inspections, either by the International Verification and Control Commission or by a United Nations body.

The representative announced that, in the face of the repeated attacks, the Honduran army's active participation in the bombing and acts of aggression prompted by the Government of the United States, as well as the readiness of the United States to "honour" any request of the Government of Honduras, the Government of Nicaragua had instructed their agent at the International Court of Justice to resubmit the case against the Republic of Honduras and to request that the Court define interim protective measures in the case, which concerned border and cross-border military actions. She interpreted that decision of his Government as determination to seek peaceful solutions to the situation threatening international peace, in compliance with the Charter of the United Nations and the Bogotá Pact.

She appealed to the Government of Honduras to accept the Secretary-General's mission in order to defuse the tense situation. According to the speaker, the Reagan Administration wished to prevent the settlement of the artificial situation created between Nicaragua and Honduras with the assistance of an impartial commission of experts; and wanted to provoke Nicaragua into using military force and thus provide the pretext it sought to unleash further intervention. She assured the Council that her Government was firm in appealing for restraint and was of the view that

<sup>14</sup>Ibid., pp. 18-25.

dialogue was the source of the solution to problems. She advocated the Esquipulas Agreements and was currently engaged in dialogue with the opposition political parties and in direct negotiations with the Contra leadership, aimed at achieving a ceasefire, and announced his Government's unilateral suspension for 30 days of all offensive military operations by the Sandinista People's Army upon agreement on a ceasefire, with the view to the reintegration of the irregular forces into the country's political life.

She considered that the pressure placed by the President of the United States on the Congress to approve a package of funds to continue his terrorist policies ran counter to the peace efforts of his Government and were part of the belligerent interventionist escalation. She concluded by reaffirming his Government's flexibility and readiness for dialogue and expressed the hope that the Government of the United States would respect the determination and efforts of the Central American leaders to establish lasting peace.<sup>15</sup>

The representative of the United States said that facts should not be lost sight of when commenting on the Sandinista incursion into the national territory of Honduras, in particular, the Sandinista aggression against its neighbour and that the aggression was premeditated. He gave an account of the Nicaraguan actions, including the indication of the forthcoming offensive in the speech of the President of Nicaragua, a massive build-up of *matériel*, assembling troops, transporting of large quantities of fuel, repositioning aircraft and creating a command and control centre in the region, and finally the crossing into the territory of Honduras of an estimated 1,500 to 2,000 Sandinista combat troops. He considered that the overriding strategic goal of the offensive was destruction of the Nicaraguan resistance as an effective fighting force. The factors that forced the Sandinistas to retreat back into Nicaragua without achieving their objective were the forceful reaction of Hon-

duras by launching an air counter-attack against Sandinista positions; prompt deployment by the United States of more than 3,000 troops in response to a request from the Honduran Government; and the Sandinista underestimation of the resistance.

The representative commented on the Declaration of the members of the Contadora and the Support Groups. He asked whether the authors had referred solely to the presence as a result of invitation of the United States troops in Honduras, or if they had intended to condemn Nicaraguan actions. He noted that not once had the document identified and condemned the Sandinista regime as an aggressor who bears responsibility for violating the territorial integrity of Honduras.

Finally, the speaker gave his opinion on the Nicaraguan request for an observer mission. He had his doubts as to what the United Nations fact-finding mission could accomplish, since the Central American Governments had taken the peace process into their hands. If there was a role for an international organization, that would be more appropriately for OAS. It was his understanding that the Secretary-General of OAS had decided not to send an observer team.

In conclusion, he summed up the basic points: the United States fully supported the principles of the Guatemala Accords; stability and peace would return to the region when the Nicaraguan Government lived up to the commitments it had made in Guatemala; implemented a genuine dialogue and initiated a reconciliation process with civic opposition and the Nicaraguan resistance; and no longer asserted its self-appointed right to subvert the neighbouring democracies.<sup>16</sup>

The President of the Council said that there were no more speakers on the list, and that the next meeting would be fixed in consultations with the members of the Council.

<sup>15</sup>*Ibid.*, pp. 26-33.

<sup>16</sup>*Ibid.*, pp. 33-38.

### 35. THE SITUATION RELATING TO AFGHANISTAN

**Decision of 31 October 1988 (2828th meeting):** resolution 622 (1988)

At its 2828th meeting, on 31 October 1988, in accordance with the understanding reached in the Council's prior consultations, the Security Council included the following item in its agenda without objection: "The situation relating to Afghanistan".<sup>1</sup>

At the same meeting, the President drew the attention of the members of the Council to the text of a draft resolution<sup>2</sup> which had been prepared in the course of the Council's consultations.

The President also drew to the attention of the members of the Council the letters dated 14 April and 22 April 1988<sup>3</sup> from the Secretary-General addressed to the President of

the Security Council and a letter dated 25 April 1988<sup>4</sup> from the President of the Security Council addressed to the Secretary-General.

At the same meeting, the draft resolution before the Council was put to the vote and was adopted unanimously as resolution 622 (1988).<sup>5</sup> The text of the resolution reads as follows:

*The Security Council,*

*Recalling* the letters dated 14 April and 22 April 1988 from the Secretary-General to the President of the Security Council concerning the agreements on the settlement of the situation relating to Afghanistan, signed at Geneva on 14 April 1988.

*Recalling also* the letter dated 25 April 1988 from the President of the Security Council to the Secretary-General,

<sup>1</sup>S/PV.2828.

<sup>2</sup>S/20250.

<sup>3</sup>S/19834 and S/19835, respectively.

<sup>4</sup>S/19836.

<sup>5</sup>S/PV.2828, p. 3.