



Security Council

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PROVISIONAL VERBATIM RECORD OF THE TWO THOUSAND
NINE HUNDRED AND SECOND MEETING

Held at Headquarters, New York,
on Saturday, 23 December 1989, at 5.15 p.m.

President: Mr. PEÑALOSA

(Colombia)

Members: Algeria
Brazil
Canada
China
Ethiopia
Finland
France
Malaysia
Nepal
Senegal
Union of Soviet Socialist Republics
United Kingdom of Great Britain and
Northern Ireland
United States of America
Yugoslavia

Mr. DJOUDI
Mr. ALENCAR
Mr. FORTIER
Mr. LI Luye
Mr. TADESSE
Mr. TORNUDD
Mr. BLANC
Mr. HASMY
Mr. RANA
Mr. BA
Mr. BELONOGOV

Mr. RICHARDSON
Mr. PICKERING
Mr. PEJIC

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The meeting was called to order at 5.35 p.m.

ADOPTION OF THE AGENDA

The agenda was adopted.

THE SITUATION IN PANAMA

LETTER DATED 20 DECEMBER 1989 FROM THE PERMANENT REPRESENTATIVE OF NICARAGUA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL (S/21034)

The PRESIDENT (interpretation from Spanish): In accordance with the decisions taken at the previous meetings on this item, I invite the representative of Nicaragua to take a place at the Council table; I invite the representatives of Cuba, El Salvador, the Libyan Arab Jamahiriya and Peru to take the places reserved for them at the side of the Council Chamber.

At the invitation of the President, Mr. Serrano Caldera (Nicaragua) took a place at the Council table; Mr. Oramas Oliva (Cuba); Mr. Castaneda Cornejo (El Salvador); Mr. Treiki (Libyan Arab Jamahiriya) and Mr. Luna (Peru) took the places reserved for them at the side of the Council Chamber.

The PRESIDENT (interpretation from Spanish): Members of the Council will recall that at the 2901st meeting, held on 21 December 1989, the Security Council decided to invite Panama to participate in the discussion of the item on the Council's agenda, 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. At the same meeting, the Council requested the Secretary-General to submit a credentials report in connection with the two requests received by the President for participation in the capacity of representative of Panama. The report of the Secretary-General is before the Council in document S/21047 of 21 December 1989. It is my understanding, on the basis of the Council's prior consultations, that it is the wish of the Council to take note of the

(The President)

Secretary-General's report. Unless I hear any objection I shall take it that the Council takes note of the report.

There being no objection, it is so decided.

With regard to the two letters to which I have just referred, I should like to inform the Council that I have just been informed by each of the requestors, in writing, that their requests are not maintained.

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

Members of the Council have before them document S/21048, which contains the text of a draft resolution submitted by Algeria, Colombia, Ethiopia, Malaysia, Nepal, Senegal and Yugoslavia.

I should also like to draw the attention of members of the Council to the following documents: S/21038, letter dated 21 December 1989 from the Permanent Representative of Cuba to the United Nations addressed to the President of the Security Council; S/21041, letter dated 21 December 1989 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General; S/21042, letter dated 21 December 1989 from the Permanent Representative of Argentina to the United Nations addressed to the President of the Security Council; S/21043, letter dated 21 December 1989 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General; S/21044, letter dated 20 December 1989 from the Permanent Representative of Peru to the United Nations addressed to the President of the Security Council; S/21045, letter dated 21 December 1989 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council; and S/21049, letter dated 22 December 1989 from the Permanent Representative of the United Republic of Tanzania to the United Nations addressed to the Secretary-General.

Mr. BA (Senegal) (interpretation from French): First of all, on behalf of the Senegalese delegation, I should like to extend to you, Sir, our warmest congratulations on your assumption of the presidency of the Security Council for the month of December. Your lofty sense of responsibility, combined with your enormous experience in international relations, guarantee that the Council's work will be brought to a successful conclusion. The quality of the relations and friendly co-operation between your great country, Colombia, and Senegal, constitutes for my delegation yet another reason to assure you of our availability and constant co-operation during your presidency.

I should also like to take this opportunity to thank Ambassador Li Luye of the People's Republic of China, to whom we should like to pay a well-deserved tribute for the remarkable and skilful way in which he guided the work of the Council during the month of November.

Since time immemorial the people of Panama and the people of your country, within the same Colombian nation, have shared the same destiny and the same history - indeed, until 1903. Again today, history has willed that you should preside over the Security Council as we examine the serious events taking place in Panama.

My Government has been following very closely and with concern the situation that has prevailed in Panama for the past three days, following the intervention of United States armed forces. My country is seriously concerned by those events that have been occurring in Panama, where the toll in human lives is particularly heavy, and the material destruction very great.

As a non-aligned country, and because we are deeply attached to the primacy of law and respect for the fundamental principles set forth not only in the United Nations Charter but also in international law in general, Senegal cannot endorse an action that jeopardizes the very foundations of present-day international relations.

(Mr. Ba, Senegal)

I should therefore like to recall the obligation incumbent upon all States Members of the United Nations to settle their disputes by peaceful means and to avoid recourse to force, which only serves to exacerbate tensions and frustrate peace-loving, freedom-loving and justice-loving peoples.

The United Nations Charter, the charters of regional organizations and the guiding principles that govern relations of bilateral co-operation between States have clearly set forth the ways and means for a peaceful settlement of disputes through negotiation. In all places, in all times and in all circumstances the States Members of the United Nations, both individually and collectively, must always contribute to the triumph of the noble ideals and principles contained in the United Nations Charter.

Senegal is convinced that, whatever the difficulties, sensitivities and interests involved may be, the Security Council will be able to make right, justice and freedom prevail.

The PRESIDENT (interpretation from Spanish): I thank the representative of Senegal for his kind words addressed to my country and to me.

Mr. PICKERING (United States of America): There are times in the life of men and nations when history seems to take charge of events and to sweep all obstacles from its chosen path. Today we are once again living in historic times, a time when a great principle is spreading across the world like wildfire. That principle, as we all know, is the revolutionary idea that the people, not Governments, are sovereign. This principle is the essence of the democratic form of government. It is by no means a new idea, but it is an idea which has, in this decade - and especially in this historic year 1989 - acquired the force of historical necessity.

(Mr. Pickering, United States)

It was not too long ago that many Governments and régimes usurped the sovereign right of their peoples in the name of all-encompassing ideologies. Those pretensions have now been unmasked for the fraud that they are. Democracy today is synonymous with legitimacy the world over. It is, in short, the universal value of our time. Régimes which are undemocratic may employ violence or terror to subvert the sovereign will of their citizenry for a time. They may invoke - and, in doing so, pervert - the principle of national sovereignty to forestall the truly sovereign judgement of their own people. But in the eyes of their people, they are illegitimate, and they will fail.

It was also not too long ago that it was fashionable in certain quarters to argue that democracy was the privilege of a relatively few nations and not the birthright of all humanity. Try telling that today to the peoples of Eastern Europe.

I am not here today to claim a right on behalf of the United States to enforce the will of history by intervening in favour of democracy where we are not welcomed. We are supporters of democracy, but not the gendarme of democracy, not in this hemisphere nor anywhere else.

As I will explain in a minute, we acted in Panama for legitimate reasons of self-defence and to protect the integrity of the Canal Treaties. Our actions are in conformity with Article 51 of the United Nations Charter, article 21 of the Charter of the Organization of American States and the provisions of the Panama Canal Treaties. Before pronouncing yourselves on our action, I would ask you to pause long and hard and, in the name of decency, to remember that our action has been welcomed by a democratically elected Government of Panama and welcomed overwhelmingly by the people of Panama themselves.

(Mr. Pickering, United States)

I am using strong language, and in doing so I am confident that I reflect the long-simmering outrage of the people of my own country - and, I believe, of many in this hemisphere - who are sick of stolen elections, sick of military dictatorships, sick of narco-strongmen and sick of people like Manuel Antonio Noriega.

Right now, I will limit myself to expressing the feelings of the American people, about which there can be no doubt. The United States acted in Panama in self-defence and in defence of the Panama Canal Treaties. I need not dwell at length here today on the immediate events and provocations that precipitated our action - the gratuitous killing of an unarmed American serviceman, the terrorizing of a United States military couple, and the general climate of intimidation and instability engineered by Noriega which, by last weekend, had become a clear and present danger to our ability to meet our commitments under the Panama Canal Treaties.

There has been a good deal of mention about the fact that Noriega declared war on the United States a few days ago. But the truth of the matter is, he declared war on my country a long time ago, from the moment he concluded his first deal with the narcotic peddlers who are wreaking havoc on our city streets and who seek, through unmitigated greed, to destroy our nation's most precious resource, its youth.

(Mr. Pickering, United States)

Noriega and his ilk, whoever they are and wherever they may be, are guilty of nothing less than premeditated intervention and aggression against my country.

On numerous occasions over the past eight months and more, senior officials of the Bush Administration have expressed our willingness to work through the United Nations to reinvigorate the Organization of American States, and to work with the organizations in an attempt to deal creatively with the challenge to democracy represented by Manuel Antonio Noriega. We have stated in no uncertain terms that we wished to avoid having to take unilateral action to defend our legitimate and threatened interests, and that we were willing to give the Organization of American States every chance to deal collectively with this hemisphere's number one problem and outlaw.

Looking back, it is clear that the moment of truth came when the members of the Organization of American States were unable to do anything about Noriega's scandalous annulment of the Panamanian election of 7 May 1989. In the weeks and months thereafter many tried to reason with Noriega and to achieve through dialogue and consultation a peaceful transition to democracy in Panama. But you cannot reason with a dictator and you cannot, alas, ask him to relinquish peacefully that which he has obtained through bloody and unspeakable means. And when this reality became obvious, it was not possible to get agreement to take collective action that would have forced this dictator to remove himself from the company of civilized people.

(Mr. Pickering, United States)

In a word, when Noriega began using force to push the issue, the United States was forced onto a path not of our own choosing, but a path dictated by our national rights and responsibilities.

I shall say out loud what I know almost everyone in this room feels in his bones, and what I know is being said in millions of households throughout my country, the United States: Noriega is gone; the thugs are out of power; and Panama will at last be governed by representatives elected on 7 May by the sovereign will of the Panamanian people.

It only remains for us now to do what is right: we should welcome the restoration of democracy in Panama. It is time that this Organization welcomed Noriega's departure, just as the world has in the past welcomed the departure of Somoza, Duvalier, Marcos and, more recently, Honecker, Zhivkov, Husak and Ceausescu. It is time this Organization put itself on the right side of history.

For all those reasons, we shall of course vote against the draft resolution now before the Security Council.

In summary: Our goals in Panama are clear and consistent. We have sought to protect American lives; we have sought the full implementation of the Panama Canal Treaties and protection of the integrity of those Treaties, including United States rights and obligations under them; we have sought to help the Panamanian people build an authentic democracy; and we have sought to combat narcotics-trafficking in Panama, just as we have done in Latin America and elsewhere.

The United States made an arduous effort to accomplish those goals through diplomatic and political means. We have circulated to members of the Council a fact sheet that details the unprecedented efforts that the United States Government made through the Organization of American States and in consultations with Latin American and Caribbean leaders, as well as with others, to resolve the crisis in

(Mr. Pickering, United States)

Panama. Several dozen separate attempts or steps were undertaken by the United States and by others in the hemisphere to seek a peaceful resolution of the conflict. Unfortunately, they got nowhere because in each case Noriega refused to accept logical and reasonable arrangements to step down and permit democracy to be re-established in Panama.

Noriega instead made a mockery of all these diplomatic efforts to resolve the situation, as he made a mockery of the democratic election held in Panama last May when he blatantly and publicly defied the will of the Panamanian people. He lost the election and thereby lost the right to represent the people of Panama. By his annulment of this election, Noriega lost the right to be considered truly representative of the Panamanian people and, instead, imposed himself on them as a dictator.

When Noriega declared a state of war against the United States, his war might have seemed like a joke - until he began to implement it. When he began step by step to carry out acts of war - including killing an unarmed American serviceman, mistreating another and threatening to molest his wife - there was no other recourse but to deal directly with Noriega himself.

The use of force in self-defence under Article 51 is a right granted to all States under the Charter, and it cannot be read out of it. The use of force contrary to the Charter is impermissible and contrary to international law. There is no doubt about this point. But the Charter rightly provides, in those cases where all else fails, that States have the right to defend themselves where force is being used against them and their citizens in particular.

Some have questioned the proportionality of our response to Noriega's armed actions against us. However, the preservation of the Canal and the Canal Treaties, the presence of 35,000 Americans, and our special responsibilities under the Canal

(Mr. Pickering, United States)

Treaties made for a particular and difficult series of problems which have to be taken into account in judging proportionality.

Many of our citizens were present in Panama and had special tasks to fulfil under our treaty obligations to help to operate and protect the Canal. Under these circumstances, the United States could not protect the lives of its nationals or its interests by merely recommending that all of its citizens leave Panama. Nor could it sit idly by while Noriega step by step implemented his declaration of war by menacing, injuring and, in one case, killing American citizens or their dependents who were specifically present for these purposes. In addition, Noriega had charge over a number of troops who made a proportionate level of force large enough to ensure that the action proposed - removing him to a place where he could no longer continue his "war" - both prudent and necessary; and, in doing so, there was the added problem of protecting the large number of Americans spread out over a broad area of central Panama against physical attacks and efforts to take them hostage.

United States action in Panama has been approved, applauded and welcomed by the democratically elected Government of Panama and by the overwhelming majority of the people of Panama.

The Government of President Endara is established in the Panamanian capital, operating from the Panamanian National Assembly building. This democratic Government has announced a number of Cabinet and other senior-level appointments, including Foreign Minister Julio Linares and Permanent Representative to the United Nations Eduardo Vallarino. The Government is functioning normally and assuming control of both internal police and diplomatic functions, among others. The Government is constituting a new police force and has offered members of the old Panamanian police the opportunity to join this new force. The Government has

(Mr. Pickering, United States)

announced the reopening of the Canal. In addition, the Papal Nuncio in Panama has formally called on the new Government.

My country has no argument with Panama or the people of Panama. We welcome the return of democracy to that country, and we shall do all we can to promote it, including through the withdrawal of our forces when their mission has been accomplished. Our problem has been with one man, one corrupt dictator. The evidence against him is overwhelming, and it mounts daily.

(Mr. Pickering, United States)

We are convinced that he will continue to be judged by all for precisely what he is: an outlaw and a fugitive from justice. The Panamanian people know this; the American people know this. Indeed, the people of the world know this, and I am sure that in our own minds and hearts all of us sitting here know this. Not one of you has said a supportive word about Noriega. Yet when the time comes, we hope you will not act to seek to reimpose him on the backs of the people of Panama, people who under the eye of full international scrutiny voted to replace him on 7 May 1989.

The PRESIDENT (interpretation from Spanish): I shall now make a statement in my capacity as representative of Colombia.

The fate of the Republic of Panama will never be separate from that of Colombia. We have the same roots. For a hundred years we shared the same history. Many Panamanians are the children and grandchildren of Colombians. Thousands of our compatriots live in Panama. In addition to being our neighbour, Panama is an important member of the Latin American region and a companion in the Movement of Non-Aligned Countries.

The reason this meeting of the Security Council was convened was not to discuss the personal or political qualities of General Manuel Antonio Noriega. The de facto government of General Noriega disregarded his people's right to self-determination and the validity of fundamental freedoms, leading to disregard of democratic values and a weakening of Panamanian institutions. It was characterized also by refusing to heed the appeals of the international community to provide a climate of international concertation to resolve a crisis that affected his people and created a source of tension in the American continent of unforeseen consequences for regional security and peace. The persistence of that situation compelled the permanent mechanism of consultation and political concertation to suspend Panama's participation in its deliberations.

(The President)

Colombia, always respecting the principles of non-intervention in the internal affairs of States and of the self-determination of peoples, at all times supported initiatives aimed at returning to the Panamanians the ability to determine their own future and prevent the establishment of new sources of tension and at providing a climate of agreement and co-operation on the American continent. Unfortunately, on more than one occasion extraneous factors prevented such initiatives from being successful.

Colombia has traditionally advocated the principle of non-intervention and the non-use of force in international relations. For that reason we deplore the intervention in Panama of the armed forces of the United States, which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of States. We believe that there cannot be any motive, even a temporary motive, for a State to be subjected to military occupation or other forms of force by another State. We therefore urge the immediate cessation of the intervention in Panama. The Panamanian people has the inalienable right to determine its fate without internal or external imposition or interference. Any solution of the Panamanian crisis necessitates respect for the self-determination of the Panamanian people.

Colombia has promoted and will continue to promote a variety of initiatives leading to the restoration of representative democracy in that country based on concertation and understanding among the different sectors in Panama. Therefore we urge them to engage in dialogue today for the purpose of guaranteeing the lives and personal safety of all Panamanians. We consider it most regrettable that the republican form of life in Panama has been characterized by de facto governments, which have kept that people from exercising its inalienable right to express its sovereign will. The Panamanian people must feel today that it is surrounded by the international community with a view to establishing democratic institutions that

(The President)

are not subject to the whims of the military leaders of the moment or to external pressures.

Colombia hopes for the cessation of the armed clashes resulting from military intervention, which have resulted in the loss of life and property.

Colombia is today a sponsor of the draft resolution that is before the Council for its consideration and which we hope will be adopted.

Colombia suffers for Panama.

I now resume my functions as President of the Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. If I hear no objection, I shall now put the draft resolution to the vote.

As there is no objection, I put to the vote draft resolution S/21048.

A vote was taken by show of hands.

In favour: Algeria, Brazil, China, Colombia, Ethiopia, Malaysia, Nepal, Senegal, Union of Soviet Socialist Republics, Yugoslavia

Against: Canada, France, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Finland

The PRESIDENT (interpretation from Spanish): The result of the voting is as follows: 10 votes in favour, 4 against and 1 abstention. The draft resolution has not been adopted, owing to the negative vote of three permanent members of the Council.

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. TORNUDD (Finland): Finland abstained in the vote on the draft resolution, because its wording did not come sufficiently close to our own view, which was expressed in our statement on Thursday, as regards the preferable outcome of the debate in the Security Council. We agree, of course, with a large part of the text, considering in particular that we should call for a withdrawal, but I shall not make a detailed analysis of all the various paragraphs. I only note that we would have wished in the preambular part a more specific reference to the right of the people of Panama to establish a democratic, legitimate régime, respecting human rights, and in the second operative paragraph a clear distinction between the forces used for intervention and other forces.

Mr. BLANC (France): The French delegation voted against the draft resolution (S/21048) on the situation in Panama, distributed on 22 December. On 20 December my delegation had indicated here its serious concern over the situation prevailing in Panama. Noting that foreign intervention had taken place, we stated that we found recourse to the use of force regrettable and that it could not be approved as such. We also thought it desirable that the Security Council take an initiative.

However, while fully maintaining that position, France could only oppose the draft resolution. Being too unbalanced, it might be interpreted with its present wording as implying support for a régime that the French authorities have declared to be illegitimate. Indeed, the text is basically devoted to a categorical denunciation of the United States intervention in Panama. It mentions neither the circumstances surrounding that intervention nor the grave events which preceded it and which to a large extent explain the present situation.

(Mr. Blanc, France)

Finally, a balanced draft resolution would have included in its operative part - we regard this as essential - a paragraph expressing regret at the interruption of the process which had allowed the Panamanian people to express itself freely and to choose its leaders democratically, and calling for the establishment of a legitimate, democratically elected régime.

Those are the reasons why my delegation was unable to associate itself with the draft resolution.

However, the French authorities, which very much hope that Panama will regain peace and democracy as soon as possible, remain ready to contribute to any initiative to that end.

Mr. RICHARDSON (United Kingdom): My delegation voted against the draft resolution on the situation in Panama because of the draft's seriously unbalanced nature.

In our view, the Security Council should welcome the long-awaited establishment of a legal and democratically elected Government in Panama. The draft resolution failed to do that. It also failed to address the illegal and arbitrary nature of General Noriega's régime, which for months imposed itself on the Panamanian people, in blatant disregard of their right to self-determination and of the legitimate electoral process in that country.

The draft paid no attention to the long history of violence and intimidation conducted by the Noriega régime against United States personnel in Panama, as, indeed, against its own people.

Finally, the draft resolution did not acknowledge the fact that the United States had used force only as a last resort, after lengthy diplomatic efforts.

(Mr. Richardson, United Kingdom)

I wish to add that my Government is deeply concerned about the heavy loss of human life in Panama. We express our strong hope for an early restoration of peace and security, in which the civilian population can go about their normal lives and in which democratic institutions can fully resume their rightful place.

Mr. BELONOGOV (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation voted for the draft resolution submitted by the non-aligned members of the Security Council. We did so, first, because the draft resolution reaffirms the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat. In our view, that is today the key principle on respect for which international relations should be built.

Secondly, we voted for the draft resolution because we agree with its description of the intervention in Panama by the armed forces of the United States as a flagrant violation of international law and of the independence, sovereignty and territorial integrity of States. The statement issued by the Soviet Government on 21 December emphasizes that

"The military action by the United States against Panama poses a challenge to the international community, which is striving to develop relations on the basis of the principle of respect for the sovereignty and dignity of other nations. It is clearly incompatible with the positive trends now being consolidated in world politics and with the policy of seeking solutions to complex problems through dialogue and political and diplomatic means." (S/21041, annex, third para.)

The American action runs counter to the many efforts to achieve a political settlement in Central America. The cynical thing about it is that it is ostensibly for the defence of democracy in Panama, but democracy cannot be brought at the ends

(Mr. Belonogov, USSR)

of bayonets or through aerial bombing; it cannot be affirmed by machine-gunning; it cannot be established by ammunition, as used by the United States in Panama.

The representative of the United States said earlier in this meeting that the United States was tired of Noriega, but is it not really clear that, whoever is the head of Government of Panama, we are still talking about a sovereign State and that the use of force against it is incompatible with international law?

(Mr. Belonogov, USSR)

Thirdly, the Soviet delegation voted for the draft resolution because it demands the immediate cessation of the intervention and the withdrawal of the United States armed forces from Panama.

With great regret and concern, we note that the United States continues to increase the number of its armed forces in Panama. The United States troops that have invaded Panama have unleashed military hostilities, using tanks and aircraft, which has led to serious violations and a great loss of life among the civilian population. It is our conviction that compliance with the demand for the withdrawal of United States forces is an essential condition for the restoration of peace and stability in Panama.

The Soviet delegation cannot fail to express its very deep regret at the triple veto, which undermines the efforts of the Security Council to halt the interventionist acts of the United States. However, though the proposal of the non-aligned countries has been blocked, the Security Council will, we hope, not be idle. Given the continuing intervention by the United States, it must monitor developments in Panama very closely so that in the final analysis a prompt halt to that intervention can be achieved and United States troops removed from that country.

The PRESIDENT (interpretation from Spanish): There are no further speakers for this meeting.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

STATEMENT BY THE PRESIDENT

The PRESIDENT (interpretation from Spanish): Before adjourning the meeting, I should like to make the following remarks.

I believe I am speaking for all the members of the Council in thanking those members that will be leaving the Council on 31 December, namely Algeria, Brazil,

(The President)

Nepal, Senegal and Yugoslavia, and saying that they have all displayed great devotion to the responsibilities of the Council and that their contributions to our work have been constructive.

On behalf of the Council, and on my delegation's behalf, I express gratitude to them for their important contributions to the cause of the maintenance of international peace and security.

In conclusion I extend to all present my very best wishes for the holiday season and the coming year.

The meeting was adjourned at 6.25 p.m.