



Security Council



PROVIS IONAL

S/PV. 2899  
20 December 1989

ENGLISH

PROVIS IONAL VERBATIM RECORD OF THE TWO THOUSAND  
EIGHT HUNDRED AND NINETY-NINTH MEETING

Held at Headquarters, New York,  
on 20 December 1989, at 8 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. BENDJAMA  
Mr. ALENCAR  
Mr. FORTIER  
Mr. LI Luy  
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 8.25 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): I should like to inform members of the Council that I have received a letter from the representative of Nicaragua in which he requests 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 him 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.

There being no objection, it is so decided.

At the invitation of the President, Mr. Serrano Caldera (Nicaragua) took a place at the Council table.

The PRESIDENT (interpretation from Spanish): The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in response to the request contained in a letter dated 20 December 1989 from the Permanent Representative of Nicaragua to the United Nations addressed to the President of the Security Council, contained in document S/21034. Members of the Council also have before them document S/21035, containing a letter dated 20 December 1989 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council.

The first speaker is the representative of Nicaragua, on whom I now call.

Mr. SERRANO CALDERA (Nicaragua) (interpretation from Spanish): Once again an offence has been committed against our peoples. Once again an attempt is being made to make brute force appear to be law. Once again the principles which are the foundation of international relations have been violated. Once again the United States has committed an act of aggression and is invading a Latin American country.

In the early hours of today, American troops, complying with orders from the President of the United States, invaded the territory of Panama, and to justify this breach of the law they have attempted to use various pretexts to conceal what is a new and dramatic manifestation of the interventionist policy of force by the United States in Latin America.

(Mr. Serrano Caldera, Nicaragua)

Only six years ago, Nicaragua came to the Security Council to denounce the United States invasion of another country of this region: Panama. Today, once again, the United States, in clear violation of the Purposes and Principles of the United Nations Charter and of international law, has wielded its military might against another Latin American country: Panama.

This flagrant violation of Panama's sovereignty and territorial integrity is a threat not only to Central America but to international peace and security.

International law can provide no justification for the invasion by the United States.

Article 1 (2) of the United Nations Charter stipulates that one of the Purposes of the United Nations is:

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace."

Article 2 (4) provides that

"Members shall refrain in their international relations from the threat or the use of force against the territorial integrity or political independence of any State".

The principle of non-intervention has also been reaffirmed in various decisions of the United Nations, including General Assembly resolutions 2131 (XX), Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, and 2625 (XXV).

In the case of the Corfu Canal, the International Court of Justice made clear its position that intervention is not justified and has no place in international law. To condone intervention would be to confer upon powerful States the unilateral right to administer international justice.

(Mr. Serrano Caldera, Nicaragua)

In the context of the inter-American system, article 21 of the Charter of the Organization of American States provides that

"The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfilment thereof."

In resolution 78, of 21 April 1972, the General Assembly of the Organization of American States declared that States members of the Organization shall observe the principles of non-intervention and self-determination of peoples as a means of ensuring peaceful coexistence among States and shall refrain from direct or indirect action constituting a violation of those principles. All of those instruments have been violated by this action by the United States.

In any event, no argument can possibly justify intervention against a sovereign State. International law prescribes ways and means for the solution of situations or disputes that may arise between two or more countries, but those ways and means do not include intervention.

The United States has available to it a series of legal instruments, treaties and conventions to which it may resort in order to resolve in a civilized manner any dispute or difficulty in which it considers itself involved.

Article 4 of the Convention of 23 December 1936, of which the United States is a signatory and by which it is bound, establishes the rights of States in the event of disputes.

Under article 4 - and perhaps it is not too late to draw a lesson from this which may be applicable to other regions in the world:

"The High Contracting Parties agree, moreover, in the case of a dispute between two or more of them, to seek a settlement in a spirit of mutual regard for their respective rights; to that end they may resort to direct diplomatic

(Mr. Serrano Caldera, Nicaragua)

negotiations or to alternative mediation procedures, commissions of investigation, conciliation commissions, arbitration tribunals or courts of justice as provided for in the treaties to which they are parties. They agree, furthermore, that if settlement of the dispute by diplomatic negotiations should prove impossible and if States must resort to any of the other procedures provided for in this article they shall communicate that fact and report on the progress in negotiations to the other signatory States."

By intervening militarily in Panama the United States has also violated the Rio de Janeiro Treaty of Non-Aggression and Conciliation of 10 October 1933, article 1 of which states:

"The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations and in their relations with other States and that the settlement of disputes or controversies of any kind which may arise among them shall be pursued solely by the peaceful means sanctioned by international law."

Article 3 of this same Treaty of Non-Aggression and Conciliation, to which the United States is a party and by which it is bound, reads as follows:

"In the event of failure by a State involved in a dispute to comply with the obligations set forth in the preceding articles, the Contracting Parties agree to bend every effort to maintain peace. To this end, as neutrals, they shall adopt a common stand; they shall use the political, legal and economic means authorized by international law; they shall endeavour to influence public opinion but in no case shall they resort to intervention, either diplomatic or armed ...".

(Mr. Serrano Caldera, Nicaragua)

By its invasion of Panama the Government of the United States has also violated the Convention on the Maintenance, Preservation and Restoration of Peace of 23 December 1936, which has been in effect and binding on the United States since 25 August 1937. Article 1 of the additional Protocol to that Convention relates to non-intervention. It states that

"The High Contracting Parties declare inadmissible intervention by any of them, directly or indirectly and for any reason, in the internal or external affairs of any of the Parties."

(Mr. Serrano Caldera, Nicaragua)

In addition, the United States has violated provisions of the Charter of the Organization of American States. Article 18 reads as follows:

"No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements."

By invading Panama the United States has also violated article 20, which reads as follows:

"The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever."

Article 21 of the same Charter of the Organization of American States reads as follows:

"The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defence in accordance with existing treaties or in fulfilment thereof."

Finally, article 2, paragraph 4, of the Charter of the United Nations reads as follows:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations."

All the treaties and conventions just mentioned have been duly signed and ratified by the United States, whose Department of State has included them among the treaties that are in effect at this date. This implies that, under article 6

(Mr. Serrano Caldera, Nicaragua)

of the Constitution of the United States, they are the supreme law of the land, and that is a concept that involves an obligation by the members of the Government of the United States to comply with these treaties and implement them. Violation of these treaties implies that the present United States Administration has even violated its own Constitution and its own laws.

It is alarming that recourse has increasingly been had to the use of force and military intervention and interference in the internal affairs of States, violating the independence, sovereignty and territorial integrity of countries.

In 1977 the Republic of Panama and the United States signed historic treaties ensuring that the Republic of Panama would have the full exercise of its jurisdiction over the totality of its territory and guaranteeing to the world a neutral canal, secure and open to the ships of all flags. A few days after the execution of those treaties, Panama had to initiate a protest over violations by the United States of what had been agreed to in those legal instruments. In the past decade, there has been an increase in such violations.

During the past two years there has been an increase in the number of hostile actions and acts of destabilization on the part of the Government of the United States with the object of impinging upon the rights acquired under the treaties, depriving the State of Panama of its territorial integrity.

The present crisis in relations between Panama and the United States has worsened in recent months as a result of the adoption by the United States of various measures in violation of international law and of the principles of peaceful coexistence which should prevail between States. On 28 April 1989 the Republic of Panama called for a meeting of the Security Council to present complaints regarding serious threats to the peace and threats to Panama and to the region as a whole resulting from the flagrant intervention by the United States in

(Mr. Serrano Caldera, Nicaragua)

the internal affairs of that country, because of the policy of destabilization and coercion that the United States had been pursuing in respect of Panama and because of the ongoing threat of the use of force by that Power against a small country, Panama. These threats, which were denounced on that occasion, forced the Republic of Panama once again to call for a meeting of the Security Council on 12 August of this year in order to request that specific action be taken to ensure that there would not be an armed conflict of major proportions such as we are seeing today.

On that occasion the Foreign Minister of Panama declared that he felt that it was necessary for the entire international community to turn its eyes to that part of the world, which was almost a theatre of war. In addition, the representative of Panama submitted to the Security Council the custodianship of the Panama Canal treaties so that this Organization could ensure strict compliance.

The United States in a period of six years has invaded countries of Latin America and the Caribbean on two occasions: Grenada in 1983 and Panama today. This is an additional insult to our peoples and a reaffirmation of the infamous Monroe Doctrine and the policy of gunboat diplomacy.

The Latin American countries have been outraged throughout history by the arrogance, violence and blindness of Governments of the United States: the interventions in Nicaragua in 1912 and in 1926 and the interventions in Cuba, Mexico, the Dominican Republic and Haiti, inter alia, which are similar in nature to the interventions in Nicaragua.

The pretext of protection of American citizens used to justify intervention is the same pretext reasserted time and again by Governments and doctrines of the United States to attempt to justify what cannot be justified and to legitimize acts of force and violence. William Taft, Woodrow Wilson, Warren Harding, Calvin Coolidge, Herbert Hoover, Ronald Reagan and now the Administration of

(Mr. Serrano Caldera, Nicaragua)

President Bush, to name only a few, have maintained the same thesis to justify aggression and to legitimize invasions.

In the name of what principle and on the basis of what mandate do they set themselves up as omnipotent judges and as absolute arbiters of the history and destiny of our peoples? On the basis of what philosophical principles can they claim to impose their version of democracy with bullets, guns and bombs? What ethical or legal norm can make aggression a legal act and make the use of force a moral principle?

(Mr. Serrano Caldera, Nicaragua)

Have not arrogance, ambition and blindness driven United States Governments to carry out all kinds of acts of adventurism and aggression against the peoples of Latin America? Has not military force been the fundamental instrument of United States foreign policy, towards Latin America and Central America in particular? What is this but a succession of acts of aggression and outrage, committed against our peoples in the name of democracy and national security?

We recall the aggression against Mexico and the appropriation of more than half its territory in 1846-1847; the intervention in Cuba after the Spanish-American War in 1898, and later the Bay of Pigs aggression in 1961; the interventions in Nicaragua, which in this century alone lasted from 1912 to 1925 and from 1926 to 1933; the occupation of Puerto Rico in 1899, after the war against Spain, and its transformation into a colony; the intervention in the Dominican Republic in 1965; the occupation of Haiti, which began in 1914 and lasted for nearly two decades; the intervention in Guatemala in 1954; the invasion and occupation of Grenada in 1983; and the current aggression against my country, which has now been going on for nearly 10 years.

Is not the invasion of Panama an outcome of that perverse logic of insult and overweening pride?

In the name of the most elementary principles of peaceful coexistence between nations, the world community - and specifically the Security Council - must condemn this outrage against the conscience of the civilized peoples of the world and demand the immediate withdrawal of the invading troops from Panamanian soil.

If the United States uses its veto, that will only add to its guilt.

The international community cannot allow the principle that might is right, which is the law of the jungle, to prevail as the norm for relations between States.

(Mr. Serrano Caldera, Nicaragua)

Having the boot of the invader trample on any square inch of Latin American soil is an insult and offence to us, and we indignantly reject it.

This is a matter that transcends individuals and Governments. Intervention against any one of our countries is a matter of the historic dignity of peoples who are the sons of Bolivar, Sucre, San Martin, Marti and Sandino.

This affront to our dignity causes us to cry out for the restoration of the principles of sovereignty, self-determination, the non-use of force and non-intervention, without which individuals and peoples would abandon the gains of history and return to the Stone Age.

Mr. BELONOGOV (Union of Soviet Socialist Republics) (interpretation from Russian): Since this is the first time I have spoken in the Security Council this month, Sir, I wish first to congratulate you sincerely on assuming the presidency of the Council and to wish you every success as you carry out your important duties. I should also like to take this opportunity to express the Soviet delegation's appreciation to your predecessor, the representative of the People's Republic of China, for the wisdom, tact and ability with which he presided over the Council's work in November.

The news of the invasion of Panama by United States troops was received with great concern in the Soviet Union. Whatever arguments the American Administration uses to try to justify that step, it is a flagrant violation of the elementary norms of international law and the United Nations Charter, and it must be condemned by the international community.

Attempts by the United States to explain its military action against another sovereign State by invoking Article 51 of the Charter and statements to the effect that Panama was threatening the national interests of the United States are unsubstantiated. In fact, they are no more convincing than would be an explanation

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by a cat that it was chasing a mouse because it absolutely had to protect itself against it.

Clearly, something quite different is involved here - the United States desire to remove General Noriega. That goal was set a long time ago. It was not hidden, and it is not being hidden now. In order to attain that goal the United States has quite often flexed its muscles over the past two years and resorted to threats, military and political pressure, economic blockades and various kinds of sanctions, so today's Panama crisis did not erupt suddenly and out of nowhere.

It should be noted that the disturbing course of events resulting from United States policy towards Panama has been drawn to the Council's attention on several occasions in letters from Panama's representatives and during meetings of the Council. It is to be regretted that, for well-known reasons, the Security Council did not at the time take the necessary steps to prevent such a situation as the one facing us today, when the United States has opted for direct military intervention.

As the Council knows, the Soviet Union does not have diplomatic relations with Panama, but we are not indifferent when the fundamental principles of inter-State relations are challenged. We believe that the implementation of principles recognized at the United Nations - principles of non-intervention and the non-use of force - should have no exceptions; their application must not be selective. They must be unwaveringly respected by all and for all.

Whatever one's views of General Noriega's Government, the arbitrary introduction of foreign troops into the territory of a sovereign State and the bloodshed that they have caused are intolerable. The choice can and must be made only by the Panamanian people, without outside interference. At a time when the

(Mr. Belonogov, USSR)

tendency is developing and strengthening to shift away from confrontation to civilized inter-State relations, such relapses into gunboat diplomacy are all the more impermissible. The role of world policeman, whoever takes it upon himself to play it, is a dangerous anachronism in today's world.

(Mr. Belonogov, USSR)

The Soviet Union believes that the United States must immediately halt its armed intervention in Panama and withdraw its troops. If there are any problems in United States-Panamanian relations, they should be resolved by peaceful means at the negotiating table. That is the only way.

The PRESIDENT (interpretation from Spanish): I thank the representative of the Soviet Union for the kind words he addressed to me.

Mr. LI-Luye (China) (interpretation from Chinese): First of all I should like to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. China and Colombia have friendly relations of co-operation. I am confident that with your diplomatic experience and talent you will guide the Security Council in successfully carrying out its tasks during this month.

I also take this opportunity to thank the other members of the Security Council for the kind words they addressed to me when I was President of the Security Council last month.

In the small hours of today, the United States brazenly sent troops into Panama and used force against that sovereign State. The Chinese delegation expresses its utmost shock at and strong condemnation of that aggressive action of the United States.

In accordance with the purposes and principles of the United Nations Charter, disputes between States should be resolved through negotiations and other peaceful means without resorting to force. At present, the international situation is moving towards greater relaxation characterized by the trend to replace confrontation with dialogue and fresh accomplishments in efforts to settle regional conflicts peacefully, reduce the threat of war and improve the international climate. The armed invasion of Panama by the United States, under such circumstances, not only gravely violates the purposes of the United Nations

(Mr. Li Luye, China)

Charter and the norms governing international relations, but also runs counter to the improving international situation and the wishes of the world's people. The United States action can only aggravate tension in the region, and it will have a serious negative impact on peace and stability in the world.

It is the consistent stand of the Chinese Government that disputes between States should be resolved through negotiations in keeping with the Five Principles of Peaceful Coexistence. We are consistently opposed to interference in the internal affairs of other countries under whatever pretext, particularly by military means.

The Chinese delegation strongly calls on the United States immediately to cease this aggressive action, unconditionally withdraw all its invading troops from Panama, respect the independence and sovereignty of Panama, hold talks with that country, seek to resolve disputes with Panama through peaceful means and prevent the current situation from deteriorating any further, so as to serve regional peace and stability and peace in the world.

The PRESIDENT (interpretation from Spanish): I thank the representative of China for the kind words he addressed to me.

Mr. BLANC (France) (interpretation from French): On behalf of my delegation I should like to congratulate you, Sir, on Colombia's acceding to the presidency for the month of December. I take the opportunity to thank His Excellency Mr. Li Luye, the Permanent Representative of China, who was President during the month of November.

The situation in Panama today is, in the view of the French authorities, extremely serious. Following the interruption in the democratic process in Panama, the tragic events of the last few days and the death of an American officer led the United States to intervene directly in the crisis. That situation is grounds for the Security Council's devoting a debate to the matter. It is after all undeniable

(Mr. Blanc, France)

that outside intervention has occurred and is still occurring in Panama. For us, recourse to force is always deplorable and cannot be approved per se, whatever the causes.

The situation before us today is to a large extent the result of a sequence of regrettable events that have taken place since the elections of 7 May last were cancelled, contrary to the free will of the people. My Government explicitly condemned the cancellation of the elections and the many incidents of force and violence that occurred during the electoral process.

France supported the decisions of the Organization of American States and the effort made by it to mediate with a view to the resumption of dialogue between Panamanians. France regrets that those efforts were not successful. My Government, which has noted the absence of institutional legitimacy from General Noriega's régime, considers that the Panamanian people must be able to decide, in a sovereign manner, freely and democratically on their own leaders.

From our viewpoint it is for the Security Council to take initiatives that could lead to the restoration of a normal situation. In this respect, a declaration or statement by the President of the Council could express the Council's concern over events in Panama and their origins, affirm the right of the people of that country to express themselves in a sovereign manner as to whom they wish to be their leaders, and launch an appeal for a return to peace and democracy in Panama.

France recalls its full and total support for the struggle against drugs and its firm support for democratic movements throughout the world.

France hopes that peace will return to Panama and that the people of Panama themselves can control their future.

The PRESIDENT (interpretation from Spanish): I thank the representative of France for his kind words regarding my country.

Mr. RICHARDSON (United Kingdom): Although this month is already well advanced, let me begin by congratulating you, Sir, on your assumption of the presidency of the Security Council for December. We have already had occasion to work closely with you and we look forward to continuing to do so for the remainder of your time as President.

I should like also to extend my congratulations to your predecessor, the Permanent Representative of China, on the exemplary manner in which he conducted our work last month.

The British Government welcomes the establishment of democratic government in Panama. Earlier this year the international community was almost unanimous in condemning the decision of the Panamanian authorities under General Noriega to declare null and void the elections of 7 May. That decision was taken in blatant disregard for the legitimate electoral process. According to a communiqué issued by 279 independent observers from no less than 21 countries, those elections resulted in an overwhelming victory for the opposition alliance led by President Endara. Since then we and very many others have declined to have dealings with the Noriega régime, and we have repeatedly called on General Noriega to respect the democratic will of the people of Panama and to step down. We strongly endorsed the efforts made in that regard in recent months by the Organization of American States. Regrettably, every attempt to give peaceful effect to the outcome of the elections had failed. Force was used, we believe, only as a last resort, and against a régime which had itself turned to force to subvert the democratic process.

As my Government has already made clear, we fully support the action taken by the United States. That action was undertaken with the agreement and support of the Panamanian leaders who had won last May's election, and has at last enabled

(Mr. Richardson, United Kingdom)

them to assume their rightful functions. General Noriega's rule was illegal and arbitrary. The establishment of a legal and democratically elected Government in Panama can only be beneficial for Panama itself and for peace and security in the region. In our view, the Security Council should do its utmost to encourage progress in that direction.

We naturally regret the loss of life incurred as a result of last night's operation. But many people had already died in Panama as a direct result of General Noriega's arbitrary rule, including recently an unarmed United States officer. United States personnel in Panama had also been subjected to other attacks and threats. We welcome the United States assurance, contained in Ambassador Pickering's letter dated 20 December addressed to the President of the Security Council, that United States forces will use only the minimum force necessary, and that all feasible measures have been taken to minimize the risk of civilian damage or casualties.

The PRESIDENT (interpretation from Spanish): I thank the representative of the United Kingdom for the kind words he addressed to me.

Mr. FORTIER (Canada): In the name of my delegation, allow me, Sir, to congratulate you most sincerely on your assumption of the presidency of the Council for the month of December. We wish you every success during the remainder of your term.

I should like to take this opportunity also to express the deep appreciation of my delegation to the Permanent Representative of China, Ambassador Li, for the masterful way in which he presided over our deliberations during a very difficult month of November.

Intervention by force by a Member of the United Nations in the internal affairs of any State is against both the letter and the spirit of the United Nations Charter. Thus, my Government regrets the use of force by the United States

(Mr. Fortier, Canada)

in Panama. However, the United Nations Charter, in Article 51, does recognize a basic exception to the prohibition against the use of force and affirms the inherent right of self-defence which is vested in Member States. While intervention by force is a dangerous precedent, my Government is firmly of the view that, before seeking to condemn the United States in this case, we must examine all the circumstances to determine whether or not it had compelling reasons which justified President Bush in ordering the action he did. In the opinion of my Government such compelling reasons did exist. The United States relied on force as a last resort, and only after the failure of numerous attempts to resolve the situation in Panama peacefully.

For a period of almost two years now the world has witnessed the progressive and systematic betrayal in Panama of those democratic values to which the great majority of the people of the world aspire. Canada has condemned in the strongest terms General Noriega's abrupt cancellation of the election process last May and the brutality with which he sought to silence his opposition. The blatant hypocrisy with which General Noriega attempted to legitimize his régime - first through the appointment of a powerless and unconstitutional puppet head of State, then through his own formal assumption of power as Head of Government - was greeted with utmost contempt by his democratic neighbours. At a time when virtually all the States of the Latin American and Caribbean region have been establishing and strengthening democratic institutions, General Noriega and his followers deliberately isolated themselves.

The events of the past week, including the statement by General Noriega that Panama was "in a state of war" with the United States and the harassment of United States citizens, indeed the killing of one off-duty serviceman, clearly left

(Mr. Fortier, Canada)

President Bush with few options. The laudable efforts of the Organization of American States as well as those of individual neighbouring countries to seek a peaceful resolution of the political and constitutional crisis in Panama sadly were unsuccessful and have come to naught.

My Government reiterates that intervention by force by a Member State in the internal affairs of another State is a very dangerous precedent. However, we must be mindful of all the circumstances of this situation, which have caused the United States to act as it did. We must bear in mind, in particular, those statements of the Permanent Representative of the United States set out in his letter to you, Mr. President, earlier today, in which Ambassador Pickering affirmed that:

"The United States undertook this action after consultation with the democratically-elected leaders of Panama ... who have been sworn in and have assumed their rightful positions. They welcome and support our actions and have stated their intention to institute a democratic government immediately."

(S/21035)

In the opinion of my Government the United States was justified in acting as it did. We now look forward to the consolidation of democracy and to a peaceful and stable future for the people of Panama, who last May had already spoken.

The PRESIDENT (interpretation from Spanish): I thank the representative of Canada for the kind words he addressed to me.

Mr. PICKERING (United States of America): First, let me extend to you, Sir, our congratulations on your assumption of the presidency of the Security Council and our deep thanks to your predecessor, Ambassador Li, for his leadership of the work of the Council.

In accordance with Article 51 of the United Nations Charter, United States forces have exercised their inherent right of self-defence under international law by taking action in Panama in response to armed attacks by forces under the direction of Manuel Noriega. The action is designed to protect American lives as well as to fulfil the obligations of the United States to defend the integrity of the Panama Canal Treaties. We share the sorrow of all that these necessary actions have caused the loss of life and damage.

The situation in Panama has been intolerable. For nearly two years the United States and the nations of Latin America and the Caribbean worked together to try to resolve the crisis in Panama. The goals of the United States remained unchanged throughout this period: to safeguard the lives of Americans, to defend democracy in Panama, to combat drug-trafficking and to protect the integrity of the Panama Canal Treaties. Repeated attempts were made to solve the crisis through diplomatic means and negotiations. Noriega turned them all down, and we are distributing to the members of the Council a list of these diplomatic attempts at a peaceful solution.

The root cause of the crisis in Panama has been the struggle between Noriega and his thugs and the people of Panama. His ruthless cabal repeatedly obstructed the will of the Panamanian people, which had been expressed in free elections. As a result of last night's actions, that situation has been reversed. The freely elected leaders of Panama, President Guillermo Endara and Vice Presidents Arias Calderon and Ford, have assumed the rightful leadership of their country. It is worth noting that the United States Government consulted with the democratically

(Mr. Pickering, United States)

elected leadership prior to last evening's actions, and that they approved of our steps.

Some might ask why my Government had to take military action now.

President Bush provided the answer this morning. He said:

"Last Friday Noriega declared his military dictatorship to be in a state of war with the United States and publicly threatened the lives of Americans in Panama. The very next day forces under his command shot and killed an unarmed American serviceman, wounded another, arrested and brutally beat a third American serviceman and then brutally interrogated his wife, threatening her with sexual abuse. That was enough.

"General Noriega's reckless threats and attacks upon Americans in Panama created an imminent danger to the 35,000 American citizens in Panama. As President, I have no higher obligation than to safeguard the lives of American citizens, and that is why I directed our armed forces to protect the lives of American citizens in Panama and to bring General Noriega to justice in the United States."

I want for a few minutes to note that the turn towards democracy that characterizes our era began in this hemisphere. In recent years nation after nation has decided to follow the democratic path. Together here in the Americas we are building the world's first democratic hemisphere.

The people of Panama began their historic journey towards democracy when they spoke clearly on 7 May of this year. They voted for national dignity. They voted to end a brutal dictatorship. They voted to be free; they have a right to be free. No one has a right to deny them that freedom. Nevertheless, that vote for democracy was met with Noriega's iron pipes and rifle butts, hired mobs and prison cells.

(Mr. Pickering, United States)

The whole world denounced the violation of human rights which we witnessed in Panama, as did the Organization of American States. Indeed, the images of courage and the images of blood from that historic week in Panama will always be etched in our memory.

The question before us has never been our commitment to Panamanian sovereignty, nor is it today, for the sovereign will of the Panamanian people is what we are here defending. The question before us was never our commitment to the Panama Canal Treaties, for we reaffirmed our commitment to uphold those historic Treaties from the very day they were signed. And let us be clear about one thing, if nothing else: Noriega did not steal the 7 May election because of sanctions or the legitimate exercise of treaty rights; he stole the election because he lost it, and attempts to shift the focus from that overwhelming fact are nothing more nor less than deliberate obfuscation.

There is another issue at stake in this debate over Panama: the disgrace, the terrible evil, of drug-trafficking. We have been reminded again and again of the terrible price which brave men and women and whole societies pay because these monsters, these drug-traffickers, continue in our midst. This is a war as deadly and as dangerous as any fought with armies massed across borders. The survival of democratic nations is at stake. Countries that provide safe haven and support for the international drug-trafficking cartels menace the peace and security just as surely as if they were using their own conventional military forces to attack our societies.

The truth is - and every one of us knows it - that General Noriega turned Panama into a haven for drug-traffickers and a centre for money-laundering and the transshipment of cocaine. General Noriega could not be permitted falsely to wrap himself in the flag of Panamanian sovereignty while the drug cartels with which he

(Mr. Pickering, United States)

is allied intervene throughout this hemisphere. That is aggression; it is aggression against us all, and it is now being brought to an end.

I also wish to point out that the United States has both the right and, for that matter, the duty to protect and defend the Panama Canal under article 4 of the Panama Canal Treaty. The basic United States responsibility is to operate and defend the Panama Canal until its transfer to Panama at the end of this century. Even during the Noriega régime's illegal seizure of power, the United States has continued to do what it has done since the entry into force of the Treaty a decade ago, providing for the safe and orderly transit of vessels through the Canal while ensuring increasing Panamanian participation in its management and operation.

For the past two years the Noriega régime engaged in a systematic campaign to harass and intimidate United States and Panamanian employees of the Panama Canal Commission and the United States forces. In the last year alone there have been over 300 violations of United States military bases by armed Panamanian Defence Forces personnel. Over 400 United States personnel have been detained, and 140 United States personnel have been endangered. This provocative and intolerable behaviour reached a peak last Friday. It threatened American and Panamanian lives, as well as Canal operations.

As the Council debates this issue it is worth noting that Chapter VIII of the Charter calls upon Member States to make every effort to use regional agencies to solve regional problems. The language of Article 52 is striking in its use of the word "shall" in this context. The use of "shall" leaves little room for doubt that members of a regional arrangement are obliged to refer regional disputes to regional organizations, and that the Security Council is obligated to encourage this recourse to regional agencies. Currently the Organization of American States is engaged in that effort.

(Mr. Pickering, United States)

Aside from the legal consequences that flow from the use of "shall" in Chapter VIII, commonsense dictates that where there is a regional organization and a regional problem, recourse should be to the regional organization. This need not and does not preclude United Nations involvement. However, the risk of wasteful duplication is obvious.

(Mr. Pickering, United States)

Far more serious is the possibility for reaching inconsistent conclusions. It is important that international organizations contribute to resolving problems, not further complicate them.

The purpose of the United States in this crisis is clear and consistent. We resorted to military action under Article 51 in a situation where American lives were clearly in danger and where our ability to honour obligations under the Panama Canal Treaty was threatened by violent actions. We did so only after exhausting the full range of available alternatives. We did so in a manner designed to minimize casualties and damage. We consulted in advance with the democratically elected leaders of Panama, and they approved of our actions. We intend to withdraw our forces from Panama as quickly as possible and, as President Bush has said, the United States is eager to work with the Panamanian people in partnership and friendship to rebuild their economy.

The Panamanian people want democracy, peace and the chance for a better life in dignity and freedom. The people of the United States seek only to support them in the pursuit of these noble goals.

In sum and in conclusion, I should like to quote in part from a statement made this afternoon by Secretary of State Baker:

"Our foreign-policy goals in Panama have been clear and they have been consistent. We have sought to help the Panamanian people build an authentic democracy. We have been committed to full implementation and remain committed to full implementation of the Panama Canal Treaties. We have made unprecedented efforts through the Organization of American States and in consultations with Latin and Caribbean leaders as well as others to resolve the crisis in Panama.

(Mr. Pickering, United States)

"We hoped and believed that the elections held last May could be a means to resolve the crisis. But when Noriega stole that election and violently suppressed the opposition, the crisis only grew worse.

"President Bush has continually said that he would not rule out the use of force, but he also said repeatedly that force was clearly the last option to be considered."

The PRESIDENT (interpretation from Spanish): I thank the representative of the United States for his kind words to me.

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 be held tomorrow, Thursday, 21 December, at 11 a.m.

The meeting rose at 9.35 p.m.