

(as delivered)

Statement of Ambassador Luigi R. Einaudi
U.S. Permanent Representative
to the Organization of American States
at the
SPECIAL SESSION OF THE PERMANENT COUNCIL
January 8, 1990

Mr. Chairman:

At the extraordinary session of the Permanent Council on December 20, I objected to the absence in the room of the representative of the legitimate government of Panama. Today, I am delighted to welcome Ambassador Cheurning Fabrega who represents the government freely chosen by the people of Panama last May.

Mr. Chairman:

The United States has formally expressed its regret to the Government of Nicaragua over the incident on December 29 at a Nicaraguan diplomatic residence in Panama. We have circulated through your good offices to all delegations here the pertinent excerpts from our diplomatic note to the Government of Nicaragua. The United States believes that the norms established under the Vienna Convention on Diplomatic Relations should indeed be respected.

Let me comment for the moment on the context in which this unfortunate incident occurred.

The situation in Panama is extraordinary. A corrupt military dictator indicted in two U.S. federal courts for drug running and money laundering established a reign of terror to thwart the will of the Panamanian people and pervert the constitutional order. Not confident of his ability to rely on the duly constituted national military forces to cement his hold on power, the dictator sought help from non-Panamanians and created a private terrorist army. Abuse became the order of the day as this private army operated both within and outside of Panama's national army. Drug trafficking and arms dealing became the financial backbone of the dictatorship. Human rights, democracy, and the rule of law were trampled in order to appease one man's megalomania. Last May, Panama's voters overwhelmingly cast their preferences for the candidates of the democratic opposition. Noriega's response was to strengthen his stranglehold on Panama, to have his private terrorist army brutalize the winning candidates, and to coerce the electoral tribunal into annulling the elections.

After months of arduous negotiations in which the members of this organization participated and know better than anyone else, negotiations to pave the way for a peaceful transition to democratic government for the Panamanian people, the OAS set a deadline of September 1, 1989, for a transfer of power, by democratic means, as called for by the Constitution of the Republic of Panama. Noriega flouted that decision and continued to rule through terror and repression. In roughly parallel fashion, Noriega and his thugs were responsible for hundreds of incidents of harassment against United States personnel and their families, stationed in Panama to fulfill the obligations of the United States under the terms of the Panama Canal Treaties. Then, suddenly, last month, Noriega declared Panama to be in a state of war with the United States. First, Noriega's hand-picked so-called assembly, then Noriega himself, declared Panama at war with the United States. Two days later, the Panama Defense Forces killed an unarmed American soldier and beat and harassed a military officer and his wife.

The situation was deteriorating so rapidly that the lives of the United States civilian and military personnel lawfully stationed in Panama under the authority of the Canal Treaties were clearly threatened, as was the ability of the United States to operate the Canal safely and efficiently in conformity with the Treaties. The situation had become unsustainable. When President Bush acted, he acted in self-defense and in defense of our rights and obligations under the Canal Treaties.

The Embassy of the United States in Panama was immediately fired upon by Noriega's private terrorist forces. Several U.S. Embassy residences were broken into. Over a period of many days snipers attacked both the United States military and Panamanian civilians. Although today the new Panamanian police forces are rapidly reassuming their functions, in the first days after the military action United States troops were compelled by incidents of looting and lawlessness to exercise police responsibilities on a temporary basis.

The people of Panama have welcomed their liberation from Noriega's tyranny. Fearing renewed sniper attacks in their neighborhoods, people in Panama reported weapons caches in locations throughout the country. So far, more than 75,000 weapons have been found and confiscated. Seventy-five thousand separate weapons is a great many weapons. It is a quantity far greater than any that might have been needed by the Panama Defense Forces. In fact, many of the arms caches have been located with the assistance of members of the former PDF who were concerned by the threat to Panama created by Noriega's private terrorist army.

At approximately 4:30 in the afternoon of December 29, United States forces in Panama received a report that a large weapons

cache was stored at a house in Calle B, A - 15, in the Dos Mares area of Panama City. A unit proceeded to the address to investigate the report. When they located the house, U.S. troops announced three times over a loudspeaker their plans to conduct a search. A man drove up, identified himself as the Nicaraguan Ambassador, and said the house was his residence.

The United States soldiers made efforts to confirm independently the address of the Nicaraguan Ambassador by checking the official diplomatic list issued by the Government of Panama under Noriega. The records indicated that the Nicaraguan Ambassador lived in an apartment in the Via Magna building in the Punta Paitilla area of town. The Panamanian Foreign Ministry subsequently confirmed that the Punta Paitilla address was the latest address officially listed for the Nicaraguan Ambassador.

This much is clear: when the troops searched the house for weapons, they did not know in fact the residence was the residence of the Nicaraguan Ambassador. In addition to ammunition, the searchers found 4 UZIs; 6 rocket propelled grenade launchers, 12 AK-47s; 3 grenades; 1 light anti-tank weapon; 10 FEN rifles; 17 bayonets; 1 M-1 carbine; 1 shotgun; and 4 rocket propelled grenade sights. I am not a military man, but I doubt that these are the kind of weapons that most Ambassadors stockpile at their residences for normal defensive purposes.

During the search, the unit also discovered evidence that the house did in fact belong to a Nicaraguan diplomat. The troops withdrew. The weapons were all returned. The persons in the house were not arrested or detained nor was the residence damaged.

I do not have in front of me the text of the note sent by the Government of Nicaragua to protest the incident, but I have been told by telephone that the note makes no reference to the type of generalized struggle referred to by Ambassador Ferrey, nor did it refer to a sum of \$5000 alleged as missing; if anything, the amount was stated as a few hundreds of dollars.

On the same night of the incident, after I had been called by the Secretary General who reported that he had been contacted by Nicaraguan Foreign Minister d'Escoto, the United States Government formally expressed its regret to the Government of Nicaragua through diplomatic channels. President Bush has publicly stated that the United States regrets the incident and, yes indeed, considers it a mistake. We also assured the Government of Nicaragua through diplomatic channels that the United States has and had no intention of interfering with normal diplomatic activities.

After investigating this incident, its causes and its affects, the United States Government immediately reviewed its instructions to its personnel in Panama. On December 31 new,

detailed instructions were issued to U.S. military forces and civilian personnel in Panama to ensure that Embassy premises, accredited diplomats, and their private residences are accorded the diplomatic privileges and immunities to which they are entitled under the Vienna Convention on Diplomatic Relations. The instructions explicitly quote the pertinent articles of the Vienna Convention, which the United States not only accepts but supports.

On January 2, the United States Embassy in Managua received a note from the Government of Nicaragua alleging that on December 31 -- the same day we had issued those new instructions -- United States troops searched the empty apartment shared by several Nicaraguan diplomats in the Edificio Regina in the Bella Vista area of Panama City. We have made inquiries and the U.S. military assures us that in the Regina apartments there were no searches by our troops as alleged on December 31 or on any other day.

Mr. Chairman:

Given these facts, which we had already explained to the Government of Nicaragua and, for the most part already made public, we question why Nicaragua chose to call this special session. The incident in Panama was an unintentional mistake which my government acted immediately to correct. Nicaragua responded by expelling twenty United States diplomats from Managua and by calling for special sessions of this Permanent Council and the United Nations Security Council. The decision to expel most of our diplomats in Managua is not compatible with the improved relations that the Nicaraguan Government has told us repeatedly it would like to achieve. The Government of Nicaragua's response is in our view greatly out of proportion to what occurred and appears to be motivated by a desire to inflate the issue for propaganda purposes.

To illustrate this last point it might be useful to put this incident in perspective by reviewing some pertinent history. The Nicaraguan Government has not consistently adhered to the norms established under the Vienna Convention on Diplomatic Relations. The distinguished delegation of Costa Rica, and many other delegates around this table, will recall that on Christmas Eve 1984, Nicaraguan security forces entered the grounds of the Costa Rican Embassy in Managua. They were seeking a Nicaraguan citizen, Jose Manuel Urbina Lara, who had been granted asylum by the Government of Costa Rica four months earlier.

After tricking Mr. Urbina Lara into opening the front door of the building, a Nicaraguan soldier forced him at gun point to leave the Embassy. In the street, Urbina escaped from his captors and fled back towards the Costa Rican Mission. The Nicaraguan security guard shot at him, wounding him in the leg and shoulder.

Fighting off the guard, Urbina Lara managed to re-enter the front yard of the Embassy and struggled for freedom until he reached the front door of the building. There he was subdued and dragged away, a trail of blood flowing from his wounds.

How did the Nicaraguan Government respond to the immediate and vigorous protests of the Costa Rican Government, including at a special session of this Permanent Council? First of all they publicly denied that their forces had violated the premises of the diplomatic mission -- despite the blood stains and the bullet hole at the door of the building, more than 20 feet from the front gate. These facts were attested to by the Costa Rican Government. Then the Nicaraguan Government paraded Urbina Lara before television cameras and declared that the incident was closed. They refused to allow the Costa Rican Ambassador to meet with Urbina Lara, and rejected the Costa Rican suggestion that the OAS determine the facts of the situation. In view of the gravity of the situation, the Contadora Group offered its good offices to the two governments. At a second special session on the matter, this Council expressed profound concern over the circumstances, welcomed the offer of the Contadora Group, and urged the two countries to accept the offer to facilitate a settlement.

Moreover, need I remind the Nicaraguan delegation of the incident on June 28, 1987, when, in gross violation of the Vienna Convention on Diplomatic Relations, a member of the Nicaraguan police force deliberately shot three times through the main gate into the grounds of the United States Embassy in Managua and wounded an unarmed Nicaraguan citizen? The United States formally protested this illegal action to the Nicaraguan Government.

Further, Nicaragua seems to be selective in its adherence to the Vienna Convention on Diplomatic Relations. Article 41 of the Convention requires that all persons enjoying privileges and immunities "respect the laws and regulations of the receiving state." The article also states, "The premises of the Mission must not be used in any manner incompatible with the functions of the Mission as laid down in the present Convention or by other rules of general international law." Although U.S. soldiers immediately returned all the weapons they had found in the December 29 incident, it would appear that the existence of a substantial arms cache in the Ambassador's residence in Panama is inconsistent with the diplomatic functions protected by the Vienna Convention and violates Article 41 of that Convention.

The Nicaraguan Government seems to consider that its immunity applies to sending arms wherever it wants, however it wants, and in whatever quantity it wants. When we met in special session a few weeks ago to discuss the tragic conflict in El Salvador, the Salvadoran Delegation showed this Council a missile taken from a Nicaraguan plane that crashed while on a mission to deliver arms to the FMLN guerrillas.

For the past two years, Nicaragua has provided assistance to Noriega's forces in the form of training, weapons, ammunition, and propaganda support. More than 20,000 AKM/AK-47 rifles, over 1000 rocket-propelled grenade launchers, and approximately 11 anti-aircraft guns were delivered to Noriega from Cuba and Nicaragua. In return, both Cuba and Nicaragua were allowed to use Panama for clandestine activities, including arms shipments, in support of guerrilla movements in the hemisphere.

The more than 75,000 weapons located in Panama so far are too large a quantity for the needs of the Panama Defense Forces. The arms found in the Nicaraguan Ambassador's residence are the type of weapons used by the dignity battalions in Panama and by irregular anti-government forces elsewhere in the hemisphere.

Mr. Chairman,

We have given the Government of Panama and the diplomatic community in Panama assurances concerning our adherence to the Vienna Convention on Diplomatic Relations. I am also pleased to inform you that the United States has entered into discussions with the Government of Panama over an early withdrawal of the troops deployed on December 20 and since.

Is Nicaragua prepared to give the Government of Panama and the international community assurances that it will comply with its international and hemispheric commitments and with the Central American Peace accords, and that it will not supply arms to guerrilla and paramilitary forces in neighboring countries?

Sadly, the Nicaraguan Government has tried to use the situation in Panama to distract attention from its problems with its own people. Violence and intimidation have increased in Nicaragua since the government ended the cease-fire with the Resistance on November 1. As the Nicaraguan election approaches, the Sandinistas seem to have sought almost any excuse to crack down on the political opposition.

The people of Central America long for peace, national reconciliation, democracy, respect for their economic and political rights, and economic progress. There is a chance that through free elections, Nicaragua will open its society to the peaceful changes that will end the violence and make the dream of its people a reality. I sincerely hope that the Nicaraguan Government will give its full attention in the weeks ahead to the fundamental task of conducting free and fair elections.

Scrupulous compliance by Nicaragua with its commitments under the Esquipulas peace process offers the best hope for peace in Central America and for improved relations between the United States and Nicaragua. That should not be an impossible dream.

Thank you.