

DRAFT April 17, 1986

Negotiations in Central America--Attachments

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A Genuine Solution for Central America

- The simultaneous implementation of all 21 Contadora objectives with effective verification, including implementation by Nicaragua of the democratic commitments made to the OAS in 1979.
- President Reagan has repeatedly expressed this US objective in assisting the Central American negotiations. For example, in his speech of April 4, 1985--see Tab V.
- The verification mechanism must be decided through a process which does not give Nicaragua a veto, and the verification authority must ultimately rest with a two-thirds vote of the OAS.

Elements of a False Political Settlement for Central America

- Separation of the security undertakings and the issue of implementing democracy in Nicaragua--with the security actions to be taken first. This long has been recommended by Mexico, Nicaragua, and behind the scenes by Cuba. It is a formula for repeating the Sandinista deception of 1979 in which the Carter Administration, Mexico, Panama, Costa Rica, and Venezuela acquiesced from August 1979 to July 17, 1981 when the Carter Administration finally denounced Sandinista aggression through armed subversion.
- A verification mechanism chosen by a process giving the Sandinistas a veto over membership and/or procedures--Tab VI offers a historical synopsis of how, since 1945, four war-termination agreements were systematically violated by the communist side in part through the obstruction of the international verification institutions.
- Verification by the Contadora four or by the Contadora four plus the support group. These countries do not have

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necessary. Verification by these countries will mean that the borders will be closed in one direction only--into Nicaragua--while most of the communist aggression through armed subversion will continue (some perhaps through Mexico and Belize temporarily while the Nicaraguan freedom fighters are being dismantled) with no effective action by such a verification group.



PHIL GRAMM

# Why negotiations haven't worked

In the debate on aiding the Nicaraguan freedom fighters, congressional opponents of the president argue the key is a negotiated settlement with the Communist Sandinistas. They are half right.

The United States, with the Organization of American States, achieved a binding negotiated settlement with the Sandinistas in 1979. The full implementation of this agreement is, in fact, the key to solving the Nicaragua problem.

In the 1979 negotiated settlement, the Sandinistas committed themselves to:

1. Genuine "broad-based democracy" and "free elections";
2. "Full guaranty of human rights" and "fundamental liberties";
3. "An independent and non-aligned foreign policy" and a "minimum" permanent military corps;
4. And "cooperation" and non-interventionist relations with neighboring states [all of which, it should be noted, are today democracies].

Based on the Sandinistas' commitments, the Carter administration:

1. Withdrew its recognition of the legitimacy of the Somoza government;
2. Exacted Anastasio Somoza's agreement to resign the presidency and leave Nicaragua;
3. Conferred legitimacy on the Sandinista-dominated "Government of National Reconstruction" when it was still based in San Jose, Costa Rica, and while Mr. Somoza was still in power;
4. Actively assisted the transfer of power to the Sandinistas after Mr. Somoza's departure;
5. Gave the new Sandinista government \$118 million in direct aid;
6. And helped arrange a \$1.6 billion financial package and debt restructuring from Western governments, banks, and multilateral institutions.

The United States had cut off military aid to the Somoza dictatorship in late 1978; economic aid was also cut off a few months later. Other Western governments were pressured by the United States to cease arms shipments to Somoza. During this time, with the knowledge of the United States, the Sandinista forces were receiving weapons and aid from Cuba, Mexico, Panama, Venezuela, and Cos.

The process of negotiation and dialogue had begun with an OAS resolution on Sept. 23, 1978. Negotiations were substantially advanced by the OAS resolution of June 23, 1979, which called for the immediate replacement of Mr. Somoza and urged member states to facilitate a settlement that would bring Nicaragua "a truly democratic government."

The negotiation process reached its height during June and July of 1979, with public and private assurances exchanged between parties, including representatives of the United States, other OAS member states, Mr. Somoza, democratic opponents of Mr. Somoza, and the Sandinistas. This included face-to-face negotiations in Nicaragua, Costa Rica, Panama, and the United States.

Latin American countries that participated actively in the diplomatic process included Venezuela, Costa Rica, Panama, and Mexico.

The Sandinistas, in acknowledgment of the terms of the June 23, 1979, OAS resolution, sent their written commitments to implement genuine democracy to the secretary general of the OAS on July 12. The final settlement was reached July 15, 1979, when the United States accepted the Sandinista-dominated Government of National Reconstruction junta based on those written commitments, and final agreement was reached on the plan to transfer power to them.

The commitments made by the Sandinistas are binding, and the Burton Amendment to the 1985 Foreign Assistance Act writes these commitments into U.S. law.

In fact, however, none of the Sandinistas' commitments have been honored.

The Carter administration suspended aid to the Sandinistas in January 1981 after it concluded that they were exporting subversion.

The implementation of the 1979 OAS commitments by the Sandinistas is the needed solution to the present problems.

We cannot, as the opponents of the president's policy now urge, give up any of the Sandinistas' four basic commitments of 1979. They are all as essential today as they were in 1979, and cannot be renegotiated away.

Those eager to overlook the Sandinistas' complete violation of the 1979 negotiated settlement, and to paper over this fact in new negotiations, have an obligation to state what parts of the 1979 agreements they propose to give up and why. They should also explain how they plan to get around the Burton Amendment.

The 1979 actions by the United States that led to Mr. Somoza's removal from Nicaragua and the Sandinistas' taking power were executed by a Democratic president with the support of a Democratic Senate and a Democratic House of Representatives. These actions by the U.S. government were based on written commitments to the OAS made by the Sandinistas in the 1979 negotiations.

The OAS commitments of 1979 demonstrate that a negotiated settlement is half a solution. Enforcing it is the other half.

The Democrats who produced the 1979 settlement, however, have worked concertedly to prevent President Reagan from enforcing their negotiated settlement.

In 1979, the United States joined in a solemn commitment by the OAS that the people of Nicaragua would have a genuinely democratic government. Our government did not intervene in Nicaragua against Mr. Somoza merely to replace a pro-Western dictatorship with an expansionist, Communist, pro-Soviet dictatorship. The Carter administration intervened with a stated goal: true democracy.

What congressional critics of President Reagan are asking for — a negotiated settlement — they already have. The real question is whether we live up to that settlement, whether we honor *our* commitment by aiding those who fight to make the Sandinistas honor *theirs*.

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Excerpts from the new policy language on Nicaragua.  
From Section 722 (c) of the Foreign Aid Authorization of 1985 (PL 99-83).  
Signed by President Reagan, August 8, 1985.

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"The Congress finds that the Government of Nicaragua ... has flagrantly violated the provisions of the June 23, 1979 resolution [of the OAS], the rights of the Nicaraguan people, and the security of the nations of the region ..."

The Nicaraguan government:

"... is not freely elected ... has taken significant steps towards establishing a Communist dictatorship ... has committed atrocities against its citizens ... has aligned itself with the Soviet Union and Soviet allies ... [has violated] the Charter of the United Nations, the Charter of the Organization of American States ... has built up an army beyond the needs of the of immediate self-defense, at the expense of the needs of the Nicaraguan people and about which the nations of the regions have expressed deepest concern ... [and] has lost the support of virtually all independent sectors of Nicaraguan society"

The Nicaraguan Democratic Opposition:

"on June 12, 1985 ... the political and armed opposition groups representing the entire democratic political spectrum of Nicaragua formed the Unified Nicaraguan Opposition and affirmed their 'historical commitment to achieve for Nicaragua the reconciliation of her children, to establish the foundation for democracy and the moral and material reconstruction of the nation'..."

The United States Congress:

"condemns the Government of Nicaragua for violating its solemn commitments to the Nicaraguan people, the United States, and the Organization of American States"

"affirms that the Government of Nicaragua will ... [achieve] political legitimacy when it fulfills its commitments [by holding] genuinely democratic elections ... in which all elements of the Nicaraguan resistance can peacefully participate ..."

"supports the Nicaraguan democratic resistance in its efforts ... to achieve the fulfillment of the Government of Nicaragua's solemn commitments"

THE BURTON AMENDMENT IN BRIEF

(Amendment to the Foreign Aid Authorization H.R. 1555,  
Title VII, section on "Peace Process in Central America")

-- In 1979, The U.S. voted with the majority of the Organization of American States to "replace" the Somoza regime and "install" a democratic government

-- the new Nicaraguan government, by accepting the OAS resolution, committed itself to creating democracy in Nicaragua

-- the Sandinistas have since grossly violated these commitments and are turning Nicaragua into an expansionist communist dictatorship

-- now the same people who we supported against Somoza are once again fighting again against dictatorship, and have recently shown an unprecedented degree of unity

THEREFORE -- the U.S. won't consider the Sandinista regime legitimate until it fulfills the commitments that won it the support of the free world

-- the U.S. will support the efforts of the Nicaraguan people to regain their democratic revolution and attain fulfillment of their governments commitments to the Organization of American States, the U.S., and their own people.

PURPOSES

- o to solidify the bipartisan consensus in the House against abandoning American interests and values by abandoning the "contras"
- o to reassure the freedom fighters and our Central American allies that the Congress is now committed to supporting the Nicaraguan resistance
- o to show the justification for support for the Nicaraguan resistance
- o to give recognition to the new unity among the Nicaraguan opposition



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(1) Despite positive actions by the Congress signaling support for negotiated solutions to conflicts in Central America, there are disturbing trends in Nicaragua's foreign and domestic policies, including—

(A) President Daniel Ortega's April 1985 trip to the Soviet Union at a time when the Congress signaled its strong disapproval of increasing Nicaraguan-Soviet ties;

(B) the Sandinista government's close military ties with Cuba, the Soviet Union, and its Warsaw Pact allies; the disappointing and insufficient reduction of the number of Cuban advisors in Nicaragua by only 100 out of an approximately 2,500; and the continuing military buildup that Nicaragua's neighbors consider threatening;

(C) the Sandinista government's curtailment of individual liberties, political expression, freedom of worship, and the independence of the media;

(D) the subordination of military, judicial, and internal security functions to the ruling political party; and

(E) the Sandinista government's efforts to export its influence and ideology.

(2) If Nicaragua does not address the concerns described in paragraph (1), the United States has several options to address this challenge to peace and stability in the region, including political, diplomatic, and trade sanctions. In addition, the United States—

(A) should through appropriate regional organizations, such as the Organization of American States, seek to maintain multilateral pressure on Nicaragua to address these concerns; and

(B) should, if called upon to do so, give serious consideration to supporting any sanctions adopted by such an organization.

(3) In assessing whether or not progress is being made in addressing these concerns, the Congress will expect prompt and significant initiatives by the Government of Nicaragua such as—

(A) the removal of foreign military advisors from Nicaragua;

(B) the end to Sandinista support for insurgencies in other countries in the region, including the cessation of military supplies to the rebel forces fighting the democratically elected government in El Salvador;

(C) restoration of individual liberties, political expression, freedom of worship, and the independence of the media; and

(D) progress toward internal reconciliation and a pluralistic democratic system, including steps to liberalize institutions in order to allow the internal opposition in Nicaragua to become a viable partner in the Nicaraguan political process.

(c) RESOLUTION OF THE CONFLICT IN NICARAGUA.—

(1) BASIS FOR POLICY.—The Congress finds that—

(A) the people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, has thrown the country into a serious political, social, and economic upheaval, and is of serious concern to the nations of the region and to the United States;

(B) this conflict is fundamentally a continuation of efforts of the Nicaraguan people to attain a representative government at peace with its neighbors, efforts which began under the Somoza regime; and

(C) the United States recognized these noble aspirations of the Nicaraguan people in the June 23, 1979, resolution of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which reads as follows:

"WHEREAS:

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social, and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people; and

"The spirit of solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

"THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

"DECLARES:

"That the solution of the serious problem is exclusively within the jurisdiction of the people of Nicaragua.

"That in the view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

"1. Immediate and definitive replacement of the Somoza regime.

"2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.

"3. Guarantee of the respect for human rights of all Nicaraguans without exception.

"4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom, and justice.

"RESOLVES:

"1. To urge the member states to take steps that are within their reach to facilitate an enduring and peaceful solution of the Nicaraguan problem on the bases set forth above, scrupulously respecting the principle of nonintervention and abstaining from any action that might be in conflict with the above bases or be incompatible with a peaceful and enduring solution to the problem.

"2. To commit their efforts to promote humanitarian assistance to the people of Nicaragua and to contribute to the social and economic recovery of the country.

"3. To keep the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs open while the present situation continues."

**(2) THE GOVERNMENT OF NICARAGUA.—The Congress further finds that—**

(A) the Government of National Reconstruction of Nicaragua formally accepted the June 23, 1979, resolution as a basis for resolving the Nicaraguan conflict in its "Plan to Achieve Peace" which was submitted to the Organization of American States on July 12, 1979;

(B) the June 23, 1979, resolution and its acceptance by the Government of National Reconstruction of Nicaragua was the formal basis for the removal of the Somoza regime and the installation of the Government of National Reconstruction;

(C) the Government of National Reconstruction, now known as the Government of Nicaragua and controlled by the Frente Sandinista (the FSLN), has flagrantly violated the provisions of the June 23, 1979, resolution, the rights of the Nicaraguan people, and the security of the nations in the region, in that it—

(i) no longer includes the democratic members of the Government of National Reconstruction in the political process;

(ii) is not a government freely elected under conditions of freedom of the press, assembly, and organization, and is not recognized as freely elected by its neighbors, Costa Rica, Honduras, and El Salvador;

(iii) has taken significant steps towards establishing a totalitarian Communist dictatorship, including the formation of FSLN neighborhood watch committees and the enactment of laws that violate human rights and grant undue executive power;

(iv) has committed atrocities against its citizens as documented in reports by the Inter-American Commission on Human Rights of the Organization of American States;

(v) has aligned itself with the Soviet Union and Soviet allies, including the German Democratic Republic, Bulgaria, Libya, and the Palestine Liberation Organization;

(vi) has committed and refuses to cease aggression in the form of armed subversion against its neighbors in violation of the Charter of the United Nations, the Charter of the Organization of American States, the Inter-American Treaty of Reciprocal Assistance, and the 1965 United Nations General Assembly Declaration on Intervention; and

(vii) has built up an army beyond the needs of immediate self-defense, at the expense of the needs of the Nicaraguan people and about which the nations of the region have expressed deepest concern.

**(3) THE NICARAGUAN DEMOCRATIC OPPOSITION.—The Congress further finds that—**

(A) as a result of these violations, the Government of Nicaragua has lost the support of virtually all independent sectors of Nicaraguan society who initially supported the removal of the Somoza regime (including democratic political parties of the left, center, and right; the leadership of the Church; free unions; and the business, farmer and

professional sectors) and who still seek democracy, reject the rule of the Frente Sandinista, and seek the free elections promised in 1979;

(B) the Nicaraguan political opposition has joined with the armed opposition groups in issuing the San Jose Manifesto of March 1, 1985, calling for a national dialogue under mediation by the Nicaraguan Bishops Conference to peacefully attain the fulfillment of the Government of Nicaragua's commitments to the Organization of American States, including "the democratization of Nicaragua, conscious that democracy is the only means to carry out an authentic revolution and secure our national identity and sovereignty";

(C) on June 12, 1985, in San Salvador, El Salvador, the political and armed opposition groups representing the entire democratic political spectrum of Nicaragua formed the Unified Nicaraguan Opposition and affirmed their "historical commitment to achieve for Nicaragua the reconciliation of her children, to establish the foundation for democracy and the moral and material reconstruction of the nation"; and

(D) the Unified Nicaraguan Opposition further declared its intention to "give priority at all times to a political solution which will ease the suffering of our people".

**(4) CONCERNS IN THE REGION AND UNITED STATES RESPONSIBILITIES.—The Congress further finds that—**

(A) Nicaragua's neighbors, Costa Rica, El Salvador, and Honduras, have expressed, individually and through the Contadora process, their belief that their peace and freedom is not safe so long as the Government of Nicaragua excludes from power most of Nicaragua's political leadership and is controlled by a small sectarian party, without regard to the will of the majority of Nicaraguans; and

(B) the United States, given its role in the installation of the current Government of Nicaragua, has a special responsibility regarding the implementation of the commitments made by that Government in 1979, especially to those who fought against Somoza to bring democracy to Nicaragua with United States support.

**(5) RESOLUTION OF THE CONFLICT.—The Congress—**

(A) condemns the Government of Nicaragua for violating its solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(B) affirms that the Government of Nicaragua will be regarded as having achieved political legitimacy when it fulfills its 1979 commitment to the Organization of American States to implement genuinely democratic elections, under the supervision of the Organization of American States, in which all elements of the Nicaraguan resistance can peacefully participate under conditions recognized as necessary for free elections by international bodies;

(C) urges the Government of Nicaragua to enter a national dialogue, as proposed by the Nicaraguan democratic resistance in San Jose, Costa Rica, on March 1, 1985, under mediation by the Nicaraguan Bishops Conference in order to peacefully resolve the current crisis through international

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ally recognized elections in which all elements of Nicaraguan society can freely participate;

(D) supports the Nicaraguan democratic resistance in its efforts to peacefully resolve the Nicaraguan conflict and to achieve the fulfillment of the Government of Nicaragua's solemn commitments to the Nicaraguan people, the United States, and the Organization of American States;

(E) supports efforts by the Contadora nations, the Organization of American States, and other appropriate regional organizations to maintain multilateral pressure on Nicaragua to fulfill its commitments; and

(F) requests that the Secretary of State transmit the text of this subsection to the Foreign Ministers of the member states of the Organization of American States.

(d) PROHIBITION RELATING TO MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA.—Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act (except the funds authorized to be appropriated in this section), by the Foreign Assistance Act of 1961, or by the Arms Export Control Act shall be used to provide assistance of any kind, either directly or indirectly, to any person or group engaging in an insurgency or other act of rebellion against the Government of Nicaragua. The United States shall not enter into any arrangement conditioning, expressly or impliedly, the provision of assistance under this Act or the purchase of defense articles and services under the Arms Export Control Act upon the provision of assistance by a recipient to persons or groups engaging in an insurgency or other act of rebellion against the Government of Nicaragua.

(e) LIMITATION ON USE OF FUNDS AGAINST NICARAGUA.—None of the funds authorized to be appropriated in this or any other Act can be used to fund directly, or indirectly, activities against the Government of Nicaragua which have not been authorized by, or pursuant to, law and which would place the United States in violation of our obligations under the Charter of the Organization of American States, to which the United States is a signatory, or under international law as defined by treaty commitments agreed to, and ratified by, the Government of the United States.

(f) FOOD AID TO THE NICARAGUAN PEOPLE.—In cooperation with Cardinal Miguel Obando y Bravo and private and voluntary organizations, the President should explore and promote means for providing food aid to the Nicaraguan people through private and voluntary organizations and the Catholic Church.

(g) HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.—(1) Effective upon the date of enactment of this Act, there are authorized to be appropriated \$27,000,000 for humanitarian assistance to the Nicaraguan democratic resistance. Such assistance shall be provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense.

(2) The assistance authorized by this subsection is authorized to remain available for obligation until March 31, 1986.

(3) One-third of the assistance authorized by this subsection shall be available for obligation at any time after the appropriation of funds pursuant to such authorization, an additional one-third shall be available for obligation upon submission of the first report required by subsection (j), and the remaining one-third shall be available for obligation upon submission of the second such report.

(4) The President shall establish appropriate procedures to ensure that any humanitarian assistance provided by the United States Government to the Nicaraguan democratic resistance is used only for the intended purpose and is not diverted (through barter, exchange, or any other means) for acquisition of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(5) As used in this subsection, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles, or material which can be used to inflict serious bodily harm or death.

(h) ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT.—Effective upon the date of enactment of this Act, there are authorized to be appropriated \$2,000,000, which are authorized to remain available until expended, for payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(i) POLICIES WITH RESPECT TO NICARAGUA.—The President is hereby urged and requested—

(1) to pursue vigorously the use of diplomatic and economic measures to resolve the conflict in Nicaragua, including simultaneous negotiations—

(A) to implement the Contadora Document of Objectives of September 8, 1983; and

(B) to develop, in close consultation and cooperation with other nations, trade and economic measures to complement such policies of the United States and to encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend the economic sanctions imposed by the President on May 1, 1985, and the United States military maneuvers in Honduras and off the coast of Nicaragua, if the Government of Nicaragua agrees—

(A) to a cease fire,

(B) to open a dialogue with all elements of the opposition, including the Nicaraguan democratic resistance, and

(C) to suspend the state of emergency in Nicaragua;

(3) to call upon the Nicaraguan democratic resistance to remove from their ranks any individuals who have engaged in human rights abuses; and

(4) to resume bilateral discussions with the Government of Nicaragua with a view to encouraging—

(A) a church-mediated dialogue between the Government of Nicaragua and all elements of the opposition, including the Nicaraguan democratic resistance, in support of internal reconciliation as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

(j) REPORTS.—The President shall submit a report to the Congress 90 days after the date of enactment of this Act, and every 90 days

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The President [REDACTED] February 7, 1984, reaffirmed the four objectives of the US with respect to Nicaragua and his exact words were as follows:

- "Nicaragua: Our approach to the Nicaraguan Government must focus on achieving the following:
- (1) "Implementation of the democratic commitments made by the Sandinistas to the OAS in 1979.
  - (2) "Termination of Nicaragua's support to marxist/leninist subversion and guerrilla activity in any foreign country.
  - (3) "Removal of Soviet Bloc/Cuban personnel and an end to Nicaraguan military cooperation with communist countries.
  - (4) "Reduction in the Sandinista military apparatus to parity within the region."

The [REDACTED] Meeting of June 25 resulted in the decisions contained in [REDACTED] memorandum of the same date. [REDACTED] memorandum directed:

- AA (1) -- "Reaffirmation of our four goals as stated in [REDACTED] (1) (Genuine implementation of democracy; (2) verified end to export of subversion; (3) verified removal of Soviet bloc/Cuban personnel; (4) verified reduction of Nicaraguan forces to regional parity)." and

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Negotiations of President Reagan

My Administration has continually pursued a realistic diplomatic solution which would accomplish the four objectives which we have clearly expressed.

- "Nicaragua's implementation of its commitment to democracy made to the Organization of American States;
- An end to Nicaragua's aggression against its neighbors;
- A removal of the thousands of Soviet bloc, Cuban, PLO (Palestine Liberation Organization), Libyan, and other military and security personnel; and
- A return of the Nicaraguan military to a level of parity with their neighbors." (From President's speech of April 4, 1985)

Draft Proposed Language Rejecting a False Political Solution

These four objectives are totally consistent with the simultaneous implementation of the 21 Contadora objectives with real verification. However, my Administration will not support a false political solution in which the communist regime in Nicaragua is permitted to continue its failure to implement real democracy as required by the OAS while neighboring countries receive nothing more than a verbal promise that communist Nicaragua will cease its aggression through armed subversion. The communist regime in Cuba made the same promise in 1962 to President Kennedy and Castro has nevertheless, continued his aggression on three continents. The actions of the Sandinista regime make clear that only a genuinely democratic Nicaragua will bring about a realistic and stable peace in the region.

Nicaragua has an obligation to implement genuine democracy because that was the condition for diplomatic recognition of the current government by the OAS in June 1979. Any genuine political solution can only occur when Nicaragua has been certified by a 2/3 vote of the OAS to have implemented genuine democracy. And let me remind the Congress that the Burton Amendment of the 1985 Foreign Assistance Act which is the law specifies that the United States Government must seek the implementation of the OAS democratic commitments in Nicaragua.

VI



## LESSONS FROM THE KOREAN ARMISTICE AND INDOCHINA PEACE ACCORDS

Stephen T. Hosmer  
The Rand Corporation

The U.S. experience with war termination agreements in Korea and Indochina provides some cautionary lessons on negotiating such agreements with communist belligerents in the Third World. The communist signatories have consistently and massively violated the 1953 Korean Armistice, the 1954 Geneva Accords on Indochina, the 1962 Declaration on the Neutrality of Laos, and the 1973 Paris Agreements on Ending the War and Restoring Peace in Vietnam.

### MASSIVE AND PREPLANNED COMMUNIST VIOLATIONS

Despite the supervisory and control mechanisms designed to deter breaches of these agreements, the communist signatories were able to circumvent key provisions of all the agreements with relative ease and at little political cost. They began the most massive and militarily significant violations immediately after the agreements went into effect, suggesting that they were planning the infringements even as they were negotiating. For example:

- They started to violate subparagraph 13d of the Korean Armistice, which prohibited the introduction of war materiel into Korea except on a "piece-for-piece" replacement basis, within days of the truce signing, when communist MIGs began a major staging from Manchuria onto hastily reconstructed airfields throughout North Korea.
- North Vietnam made only the barest pretense of complying with Article 2 of the 1962 Declaration on the Neutrality of Laos, which required the withdrawal of all foreign troops from Laos "in the shortest time possible." Of the estimated 6,000 to 10,000 NVA forces in Laos in 1962, only 40 left the country through International Control Commission checkpoints.
- North Vietnam reneged immediately on its obligations under the 1973 Paris Accords to cease firing in South Vietnam, withdraw its forces from Cambodia and Laos, and refrain from introducing additional troops and war materiel into South Vietnam except on a one-for-one replacement basis. North Vietnam never observed the cease-fire and troop withdrawal requirements, and within little more than two months after it had signed the peace agreements, it had already infiltrated some 30,000 additional troops and over 30,000 tons of military equipment into South Vietnam.

## THE FAILURE TO INVESTIGATE OR DOCUMENT VIOLATIONS

While omissions, ambiguities, and other weaknesses in treaty language sometimes facilitated communist evasions, they were not the major cause. Rather, the failure to officially monitor, investigate, and document violations as massive as those cited above was directly attributable to

1. The representation of East European states on the supervisory bodies and
2. The systematic obstructionism of the local communist signatories.

East European states were represented on all the so-called neutral nation and international supervisory commissions charged with facilitating and overseeing the execution of the Korean and Indochina war termination agreements. Because of the voting rules and/or numerical balance of the commissions, the East European states had a veto over nearly all important matters involving the commissions. And since the East Europeans acted as agents for their Asian communist clients, they invariably vetoed or otherwise attempted to obstruct any investigation, ruling, or other supervisory and control activity that might militarily hinder or politically embarrass their clients. At the same time, the East Europeans proved zealous in opposing any commission actions that might ease constraints on noncommunist forces and in urging the investigation of all possible violations by the noncommunist signatories.

Massive and systematic violations also went unmonitored, uninvestigated, and undocumented by the supervisory bodies because of the noncooperation and active obstructionism of the local communist signatories. Among the stratagems and evasions employed to thwart investigations and monitoring were the Asian communists' *refusal* to:

- Use the checkpoints designated in the agreements for controlling and monitoring the introduction of arms or withdrawal of forces.
- Allow supervisory teams access to communist-controlled checkpoints or military bases. North Korea, for example, never permitted Neutral Nation Supervisory Commission teams to monitor the ports of entry designated for all replacement arms transfers to North Korea.
- Provide the local transport or liaison officers necessary for supervisory team inspections in communist-controlled areas.
- Guarantee the safety of supervisory teams in communist-held areas. International Commission of Control and Supervision teams were forced to withdraw from several monitoring sites in

South Vietnam in 1973 because their aircraft or team members were fired on from communist-controlled areas.

Numerous other dodges and delaying tactics could be cited, but it should suffice to say that the Asian communist signatories were capable of impeding or blocking any supervisory or control activity that required their active or passive cooperation.

## THE FAILURE TO DETER VIOLATIONS

Except where the agreements were to the communists' advantage or unimportant to the achievement of their long-term objectives, they complied only with those provisions of the agreements that the United States and its allies appeared *willing* to enforce and *capable* of enforcing on the battlefield. For example, while the North Koreans and the Chinese communists knew that a resumption of attacks across the Demilitarized Zone would invite a devastating (and probably nuclear) U.S. military response, they also realized that the United States and the other United Nations cobelligerents were unlikely to abrogate the Korean Armistice or resume hostilities simply to enforce the provisions constraining arms shipments to North Korea.

Similarly, once the North Vietnamese found that the United States would not mount a military response to their initial breaches of the 1973 Paris Accords, massive communist violations were inevitable. In short, the United States was unrealistic to assume that it could obtain terms from the peace table that it was unable or unwilling to enforce on the battlefield.

## OFFENSIVES AS A PRELUDE TO AGREEMENT

Prior to the conclusion of the Korean Armistice and the various Indochina agreements, communist forces launched major attacks in an attempt both to strengthen their bargaining leverage in the negotiations and to improve their comparative battlefield position for a later resumption of the struggle. Thus, we saw communist forces suffer 135,000 casualties in a series of offensives during the weeks immediately preceding the July 1953 Korean truce; the Vietminh overrun Dien Bien Phu during the 1954 Geneva conference; the Pathet Lao and North Vietnamese rout the rightist Lao forces at Nam Tha in early 1962 during the final phases of the Geneva conference on Laos; and the North Vietnamese invade and launch a country-wide offensive against South Vietnam in spring and summer 1972. The Vietnamese communists also mounted a series of land grabbing attacks throughout South Vietnam both before and after the 1973 cease-fire was scheduled to take effect.

In the event that the United States again participates in negotiating a war termination agreement with communist belligerents in the Third World, decisionmakers must remember that

- 1 If the agreement is to succeed, the United States or its allies must have (or be perceived to have) the capability and will to enforce the agreement on the battlefield.
- 2 Even in the absence of East European or other communist states on the supervisory body, the local communist authorities will be capable of frustrating any enforcement activities that require their active or passive cooperation.

(A) On June 23, 1979, the United States called for the 'immediate and definitive replacement' of the Somoza government, through a resolution of the XVII Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, which reads as follows:

"WHEREAS:

"The people of Nicaragua are suffering the horrors of a fierce armed conflict that is causing grave hardships and loss of life, and has thrown the country into a serious political, social, and economic upheaval;

"The inhumane conduct of the dictatorial regime governing the country, as evidenced by the report of the Inter-American Commission on Human Rights, is the fundamental cause of the dramatic situation faced by the Nicaraguan people and;

"The spirit of hemispheric solidarity that guides Hemisphere relations places an unavoidable obligation on the American countries to exert every effort within their power, to put an end to the bloodshed and to avoid the prolongation of this conflict which is disrupting the peace of the Hemisphere;

"THE SEVENTEENTH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS,

"DECLARES:

"That the solution of the serious problem is exclusively within the jurisdiction of the the people of Nicaragua.

"That in view of the Seventeenth Meeting of Consultation of Ministers of Foreign Affairs this solution should be arrived at on the basis of the following:

1. Immediate and definitive replacement of the Somoza regime.
2. Installation in Nicaraguan territory of a democratic government, the composition of which should include the principal representative groups which oppose the Somoza regime and which reflects the free will of the people of Nicaragua.
3. Guarantee of the respect for human rights of all Nicaraguans without exception.
4. The holding of free elections as soon as possible, that will lead to the establishment of a truly democratic government that guarantees peace, freedom,