

ANNEX II

Agreement

The President of the Republic of Honduras, José Azcona Hoyo, and the President of the Republic of Nicaragua, Daniel Ortega Saavedra,

Acting in their capacity as the Executive Heads of their respective States and enjoying the moral and political support of President Marco Vinicio Cerezo Arévalo of Guatemala, Alfredo Cristiani of El Salvador and Oscar Arias Sánchez of Costa Rica,

Motivated by the noble task of maintaining peace, cordiality and co-operation among the Republics of Nicaragua and Honduras, countries united by close historical ties of friendship and brotherhood,

Recalling the commitment undertaken in the Esquipulas agreements of 7 August 1987 not to allow their territory to be used for the purpose of attacking other States,

Bearing in mind also the Costa del Sol Declaration of 14 February 1989, in which the Central American Presidents undertook "to draw up, within a period not exceeding 90 days, a joint plan for the voluntary demobilization, repatriation or relocation in Nicaragua or third countries of members of the Nicaraguan resistance and their families", and

Motivated by the desire always to be able to avail themselves of peaceful means for the settlement of disputes, including recourse to the International Court of Justice, in resolving any situations or disputes that may threaten peace and security between the two States,

Have agreed

To reach an extrajudicial agreement regarding the legal action instituted by Nicaragua against Honduras before the International Court of Justice on 28 July 1986. This agreement is based on the following:

(a) As an agreement was reached on 7 August 1989 on the Joint Plan for the voluntary demobilization, repatriation or relocation of the Nicaraguan resistance and their families, implementation of the Plan should commence as soon as the International Support and Verification Commission (CIAV) is established, no later than 6 September 1989, and should be completed 90 days after the commencement, with the Secretary-General of the United Nations and the Secretary-General of the Organization of American States certifying that the Plan has been fully implemented.

(b) Bearing in mind that the presence of the contras and their camps does not contribute to the development of the democratic process already under way in Nicaragua, the President of Honduras undertakes to make official, in the

appropriate manner, his Government's request to the United Nations Security Council for the establishment and dispatch to Honduran territory of an international peace-keeping force to prevent the use of that territory by irregular forces.

(c) When all of the above has been completed and the corresponding report on the implementation of the Plan has been issued by CIAV, in accordance with the Joint Plan for demobilization, Nicaragua shall withdraw the application it has filed against Honduras with the International Court of Justice.

The President of Nicaragua, confident that the Government of Honduras will co-operate fully to ensure that the Joint Plan for demobilization is implemented in good faith within the period of time specified in the Plan, agrees that the Government of Nicaragua shall request the International Court of Justice to extend the deadline set for the submission of the memorandum on the merits of the application until the date on which, according to the Joint Plan, the official report on the implementation of the Plan is to be submitted.

When Nicaragua receives the official report from CIAV on the implementation of the Joint Plan under the agreed terms, Nicaragua shall withdraw the application filed against Honduras with the International Court of Justice.

Done at Tela, Republic of Honduras, on 7 August 1989.

Daniel ORTEGA SAAVEDRA
President of the Republic
of Nicaragua

José AZCONA HOYO
President of the Republic
of Honduras
