

to the questions put by Members of the Court during the oral proceedings on questions of jurisdiction and admissibility in the case concerning *Border and Transborder Armed Actions (Nicaragua v. Honduras)*. A copy of those answers will be transmitted to the Agent of Nicaragua.

At the same time, I transmit to you herewith a copy of the written answers of the Government of Nicaragua, referred to in my letter of 14 July 1988. The attention of the Agent of Nicaragua has already been drawn to the absence from his Government's answers of any reference to the question which President Ruda, in his capacity as individual judge, put on 13 June 1988 (*supra*, pp. 140-141), and to which a partial answer was given orally on Nicaragua's behalf (*supra*, p. 141).

The Vice-President of the Court, Acting President, has fixed 6 p.m. on Wednesday 27 July 1988 as the time-limit for the receipt in the Registry of any comments which Your Excellency's Government may wish to make, pursuant to Article 72 of the Rules of Court.

106. THE DEPUTY-REGISTRAR TO THE AGENT OF NICARAGUA

19 July 1988.

I have the honour to transmit to Your Excellency herewith a copy of the replies of the Government of Honduras to the questions put by Members of the Court during the oral proceedings in the case concerning *Border and Transborder Armed Actions (Nicaragua v. Honduras)*, received in the Registry today under cover of a letter from the Agent of Honduras, a copy of which I enclose.

The Vice-President of the Court, Acting President, has fixed 6 p.m. on Wednesday 27 July 1988 as the time-limit for the receipt in the Registry of any comments which Your Excellency's Government may wish to make, pursuant to Article 72 of the Rules of Court.

107. THE AGENT OF HONDURAS TO THE DEPUTY-REGISTRAR

27 July 1988.

I have the honour to acknowledge receipt of your letter No. 79803 of 19 July 1988, by which you transmit to me a copy of the written answers of the Government of Nicaragua to the questions posed by Members of the Court, during the oral proceedings on questions of jurisdiction and admissibility in the case concerning *Border and Transborder Armed Actions (Nicaragua v. Honduras)*.

You also inform me that the Vice-President of the Court, Acting President, has fixed today as the time-limit for the receipt in the Registry of comments that we wish to make to those answers.

Therefore, and pursuant to Article 72 of the Rules of Court, the Government of Honduras presents the following comments to the answers of the Government of Nicaragua.

In page two, of the answers to Judge Guillaume's third question, the Government of Nicaragua states that Honduras has refused to sign the letter to be sent to the Secretary-General of the United Nations in order to obtain

external co-operation for certain tasks of verification and control of the Esquipulas II Procedure, and speculates on the facts, giving a distorted appreciation of the Honduran position on the matter and on the activities of the Executive Committee.

The following observations should therefore be taken into account :

1. The Executive Committee will meet again and will not be inoperative unless, of course, Nicaragua refuses to participate in it from now on. Neither is the Esquipulas II Process, on the other hand, inoperative, since most of the Agreements therein are being implemented by the Governments and the National Reconciliation Commissions, as well as through mediation by the Contadora countries.

2. There is no disagreement between the President of Honduras and its Minister of Foreign Relations on foreign policy, and this has been expressly stated by the Office of the President itself. The Nicaraguan Minister of Foreign Relations attributes to Honduran authorities statements that have not been made, and tries to distort the facts for propaganda purposes.

3. *The case before the Court is related to the Esquipulas Procedure among other reasons:*

Firstly, because the Agreement by the Presidents of Honduras and Nicaragua requesting the postponement of the oral hearings, with the view of a withdrawal of the Nicaraguan Application, was included in the Esquipulas Declaration transmitted to the United Nations (U.N. document A/42/521).

Secondly, because in the Fifth Meeting of the Executive Commission (U.N. document A/42/948-S 19764, Annex 3 (c) seven of Honduras's answers in French; also annexed to the Agent of Honduras's intervention during the oral pleadings, in English), several agreements were adopted in paragraph 1, for the setting up of a system for the verification, control and follow-up, and the Minister of Foreign Relations of Nicaragua undertook the commitment, that later on he has constantly violated, "to submit to the International Court of Justice notice that the Government of Nicaragua is withdrawing the Application entered against the Government of Honduras on 28 July 1986. Such notice will be given no later than the day of the Sixth Meeting of the Executive Commission, to take place in the Republic of Honduras on May 1988".

The Sixth Meeting took place in Tegucigalpa, Honduras, the 21st June 1988, but the Government of Nicaragua refused to withdraw the Application; refused to sign the letter for the external co-operation; and, as the answer to this question by the Government of Honduras states, Nicaragua continues to present to its neighbours conditions and demands that being self-serving or unrealistic, demonstrate in fact, its non-willingness to comply with the Esquipulas Agreements.

108. THE DEPUTY-REGISTRAR TO THE AGENT OF NICARAGUA

28 July 1988.

I have the honour to send Your Excellency herewith a copy of a letter I received yesterday from the Agent of Honduras in the case concerning *Border and Transborder Armed Actions (Nicaragua v. Honduras)*, conveying the comments of his Government on Nicaragua's written answers to questions put