

STOP PRESS-NICARAGUA V U.S.A - MINING OF NICARAGUAN PORTS  
APPLICATION BY NICARAGUA- INTERNATIONAL COURT OF JUSTICE-  
APPEAL BY THE PRESIDENT OF THE INTERNATIONAL COURT OF  
JUSTICE \*

9 April 1984

Nicaragua Institutes Proceedings  
Against the United States of America

The following information is communicated to the press by the Registry of the International Court of Justice:

Today, 9 April 1984, the Republic of Nicaragua filed in the Registry of the International Court of Justice an Application instituting proceedings against the United States of America, on the grounds that "the United States of America is using military force against Nicaragua and intervening in Nicaragua's internal affairs, in violation of Nicaragua's sovereignty, territorial integrity and political independence and of the most fundamental and universally-accepted principles of international law". The Application states that "both the United States and Nicaragua have accepted the compulsory jurisdiction of the Court under Article 36 of the Statute" of the Court.

Simultaneously, the Government of Nicaragua, emphasizing "the importance and urgency of the matters raised by this suit, and in order to avoid further loss of life and destruction of property pending a final determination", has filed a request that the Court should indicate provisional measures under Article 41 of the Statute of the Court.

The provisional measures which Nicaragua requests the Court to indicate are as follows:

- "That the United States should immediately cease and desist from providing, directly or indirectly, any support - including training, arms, ammunition, supplies, assistance, finances, direction or any other form of support - to any nation, group, organization, movement or individual engaged or planning to engage in military or paramilitary activities in or against Nicaragua;
- That the United States should immediately cease and desist from any military or paramilitary activity by its own officials, agents or forces in or against Nicaragua and from any other use or threat of force in its relations with Nicaragua."

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In its Application instituting proceedings, Nicaragua requests the Court to adjudge and declare as follows:

\*(These are the texts of Press Releases 84/10 and 84/13 made available by the Registry of the Court) ...

"(a) That the United States, in recruiting, training, arming, equipping, financing, supplying and otherwise encouraging, supporting, aiding and directing military and paramilitary actions in and against Nicaragua, has violated and is violating its express charter and treaty obligations to Nicaragua and, in particular, its charter and treaty obligations under:

- Articles 2(4) of the United Nations Charter;
- Articles 18 and 20 of the Charter of the Organization of American States;
- Article 8 of the Convention on Rights and Duties of States;
- Article I, Third, of the Convention Concerning the Duties and Rights of States in the Event of Civil Strife;

(b) That the United States, in breach of its obligation under general and customary international law, has violated and is violating the sovereignty of Nicaragua by:

- armed attacks against Nicaragua by air, land and sea;
- incursions into Nicaraguan territorial waters;
- aerial trespass into Nicaraguan airspace;
- efforts by direct and indirect means to coerce and intimidate the Government of Nicaragua.

(c) That the United States, in breach of its obligation under general and customary international law, has used and is using force and the threat of force against Nicaragua.

(d) That the United States, in breach of its obligation under general and customary international law, has intervened and is intervening in the internal affairs of Nicaragua.

(e) That the United States, in breach of its obligation under general and customary international law, has infringed and is infringing the freedom of the high seas and interrupting peaceful maritime commerce.

(f) That the United States, in breach of its obligation under general and customary international law, has killed, wounded and kidnapped and is killing, wounding and kidnapping citizens of Nicaragua.

(g) That, in view of its breaches of the foregoing legal obligations, the United States is under a particular duty to cease and desist immediately:

from all use of force - whether direct or indirect, overt or covert - against Nicaragua, and from all threats of force against Nicaragua;

from all violations of the sovereignty, territorial integrity or political independence of Nicaragua, including all intervention, direct or indirect, in the internal affairs of Nicaragua;

from all support of any kind - including the provision of training, arms, ammunition, finances, supplies, assistance, direction or any other form of support - to any nation, group, organization, movement or individual engaged or planning to engage in military or paramilitary actions in or against Nicaragua;

from all efforts to restrict, block or endanger access to or from Nicaraguan ports;

and from all killings, woundings and kidnappings of Nicaraguan citizens.

(h) That the United States has an obligation to pay Nicaragua, in its own right and as parens patriae for the citizens of Nicaragua, reparations for damages to person, property and the Nicaraguan economy caused by the foregoing violations of international law in a sum to be determined by the Court. Nicaragua reserves the right to introduce to the Court a precise evaluation of the damages caused by the United States."

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Proceedings instituted by Nicaragua against  
the United States of America

The President of the Court appeals to both Parties

The following information is made available to the Press by the Registry of the International Court of Justice:

In exercise of the power conferred upon the President of the International Court of Justice by Article 74, paragraph 4, of the Rules of Court, and pending the meeting of the Court, he has appealed to the Government of Nicaragua and the Government of the United States of America in the following terms:

"I draw the attention of both Parties to the need to act in such a way as will enable any Order the Court may make on the request for provisional measures to have its appropriate effects."

The Court will meet in private on 17 April 1984.

MINING OF NICARAGUAN PORTS - INTERNATIONAL COURT OF JUSTICE

We have, through the courtesy of Mr Paul Good of the United States Embassy, obtained excerpts of a speech by US Ambassador to the UN Jeane Kirkpatrick, to a meeting of the American Society of International Law held in Washington on 12 April 1984. In relation to the Nicaraguan application to the International Court of Justice, the Ambassador stated:-

"I would in this regard like to say a few words about the matter of the U.S. decision to modify its voluntary decision to accept the jurisdiction of the world court.

It is not the United States which has abused the .... jurisdiction of the court. The vast majority of nations, some two-thirds of the nations do not even submit ..... jurisdiction of the court. And even in cases where others have agreed to the court's jurisdiction, many states have attached reservations and yet others have not complied with the decisions of the court.

It is interesting and instructive in this regard to look at the list of nations who have in fact agreed to accept the jurisdiction of the international court, and also those of that approximately 50 out of 158 members of the U.N. who have filed reservations. I might just mention a few. I've got the list and there is on the same list members who have entered reservations: Australia, Barbados, Botswana, Canada, Columbia, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Zambia, India, Israel, Japan, Kampuchea, Kenya, Libya, Liberia, Lichtenstein, Luxembourg, Malawi, Marisius, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Philippines, Portugal, Somalia, Sudan, Swaziland, Sweden, Switzerland, Togo, Uganda, United Kingdom and the United States. I don't think that's an exhaustive list, by the way, it's one that was at hand I don't think it's totally current.

I think that the point is clear. The point is that here and in so many other cases involving the United Nations, it is suggested that the United States be held to standards to which other nations do not submit themselves and to which there is little serious suggestion that they be held.

In fact, the United States has complied with decisions of the court, even generally speaking, when we have not regarded these as in our best interests. The selectivity of the application of standards in the United Nations unfortunately has spread to most of its bodies.

Last week, in vetoing the resolution of the United Nations which condemned the mining in El Salvador, the United States made the following statement:

"The United States would have no problem with this resolution if it were concerned with all the violence in the region, if its object were respect for the sovereignty and territorial integrity of all countries in the region, and not simply Nicaragua.

But the Resolution stresses no concern for the many attacks on El Salvador or on El Salvador's electoral process, for the continued violations of that country's sovereignty and territorial integrity by Nicaragua's continuing shipment of arms of El Salvador.

Surely the international community has an interest in these. The resolution before us, last week I said,.....expresses no concern for the repeated violations of the borders of Honduras or Costa Rica. But surely the U.N. charter applies to those."

[NOTE - The blanks in the text are marked "inaudible" in the original telexed report. Presumably the Ambassador is referring to what is usually referred to as the Court's "compulsory jurisdiction" which may be accepted by a Declaration under Article 36(2) of the Statute of the International Court of Justice.]