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Notes On U.N. General Assembly Vote In Favor Of Nicaraguan Demand That U.S. Abide By June 27 World Court Decision

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On Nov. 3, the UN General Assembly voted in favor of a Nicaraguan appeal that the United States discontinue support for military and paramilitary forces in and against Nicaragua in accordance with the June 27, 1986 judgment by the International Court of Justice. The vote tally was 94 in favor, 3 against and 47 abstentions. Opposing votes were delivered by the United States, Israel and El Salvador. Guatemala, Honduras and Costa Rica abstained. The Court's ruling in June ordered the United States to stop aiding, financing and supplying the contra forces, or otherwise encouraging, supporting or aiding military and paramilitary against in and against Nicaragua. From the beginning, the US government refused to accept the Court's jurisdiction in the issue. Nicaragua entered its appeal before the General Assembly after being defeated in two attempts in the UN Security Council in July and October. On both occasions, the US exercised its veto power. While the UN Charter indicates that the Security Council has the power to force a member nation to comply with a World Court ruling, General Assembly decisions are not binding on member nations. The Assembly vote came two hours after debate during which Nicaragua and the United States presented their cases before a UN body for the 16th time since 1982. Since then, Nicaragua has entered complaints against Washington to the Security Council 13 times and the General Assembly has debated the situation in Central America on two occasions. A third Assembly debate is scheduled for Nov. 17. In a telephone interview from New York on Nov. 3 with BARRICADA the official newspaper of the Sandinista National Liberation Front (FSLN), Nicaraguan Foreign Minister Miguel D'Escoto pointed out that the Assembly voted on the issue after only two hours of debate. He said that the 15-day period preceding General Assembly votes was dropped. (The interview was published on Nov. 4.) D'Escoto also claimed that according to Article 27, Paragraph 3 of the UN Charter, the United States should not have participated in the Oct. 28 Security Council vote on the issue. The Charter, he said, stipulates that a nation which is party to a controversy under debate by the Council should abstain from voting. The US used vetoed the resolution, thereby defeating the Nicaraguan initiative. Canada was among the nations supporting the Nicaraguan appeal in the General Assembly vote. Canadian ambassador to the UN Stephen Lewis said in Toronto that the vote represented his government's support for the International Court of Justice, and its policy that Court decisions should be honored. Lewis added that the Canadian vote was also a reflection of long-term differences between Ottawa and Washington over US policy in Central America. He said his government does not support the escalation of military conflict in the region. Canadian newspaper, the DAILY GLOBE, reported that Ottawa was obligated to approve Nicaragua's demand that the US respect the World Court ruling. At present, the Court is examining a case concerning a conflict between the United States and Canada on sovereignty claims in the Arctic region. A US spokesperson called the Nicaraguan move to the Assembly "another propaganda ploy," and said that discussion of the matter in the General Assembly was not valid. He also noted that Nicaragua "had ample opportunity to challenge the US veto in the Security Council." US deputy permanent ambassador to the UN, Herbert Okun, said the General Assembly resolution "totally ignores the

situation that prevails between Nicaragua and its neighbors, making not even a single reference to the Contadora process, and [also] ignores the fundamental principles of human rights embodied in the Charter of the United Nations..." The ambassador told the General Assembly that the resolution before them was based on a "fundamentally flawed" interpretation of the significance and validity of the World Court decision. During the Security Council debate, UN Ambassador Vernon Walters said that acceptance of the jurisdiction of the Court was "a matter of consent." On Oct. 28 the UN Security Council resolution was vetoed by the United States, and Britain, France and Thailand abstained. The resolution was co-sponsored by Madagascar, Ghana, Trinidad and Tobago, Congo and the United Arab Emirates. The resolution itself consisted of two points as follows: 1. An urgent call is made to apply immediately and in full the judgment of the International Court of Justice issued on June 27, 1986, in reference to "military and paramilitary activities in and against Nicaragua." 2. The Secretary General of the United Nations is requested to keep the Council informed about progress made in applying the present resolution.

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