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REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM IN THE
AGENDA OF THE FORTY-FIRST SESSION

JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE OF 27 JUNE 1986
CONCERNING MILITARY AND PARAMILITARY ACTIVITIES IN AND AGAINST
NICARAGUA: NEED FOR IMMEDIATE COMPLIANCE

Letter dated 29 October 1986 from the Permanent Representative
of Nicaragua to the United Nations addressed to the President
of the General Assembly

In accordance with rule 15 of the rules of procedure of the General Assembly, I have the honour to request the inclusion of an additional item of an urgent nature entitled: "Judgment of the International Court of Justice of 27 June 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance".

I would further request that this item should be considered in the plenary meeting of the General Assembly and accorded the priority it merits.

I am attaching to this letter an explanatory memorandum and the draft resolution on the item which we will propose for adoption.

(Signed) Nora ASTORGA
Ambassador
Permanent Representative

ANNEX I

Explanatory memorandum

1. By its decision of 10 May 1984, the International Court of Justice ordered a series of provisional measures of protection, in response to the application filed with it by the Republic of Nicaragua against the United States of America on 9 April 1984. The provisional measures of protection have been published as an official document under the symbol S/16564.
2. On 26 November 1984, the Court delivered its Judgment on the jurisdiction and admissibility of the application filed by Nicaragua on 9 April 1984.
3. The International Court of Justice delivered its final Judgment on 27 June 1986 in the case of "Military and paramilitary activities in and against Nicaragua". That Judgment has been issued as an official document under the symbol S/18221.
4. The events which have taken place in and against Nicaragua since that Judgment was delivered, in particular the appropriation by the United States of \$100 million to continue to finance military and other activities in and against Nicaragua, constitute a flagrant violation of the Judgment of the International Court of Justice of 27 June 1986.
5. On two occasions, on 30 July and 28 October 1986, the Security Council was unable to take a decision on the need for full and immediate compliance with that Judgment owing to the veto of the United States.
6. Nicaragua deems it urgent for the General Assembly to take a decision on the need for full and immediate compliance with the Judgment of the International Court of Justice of 27 June 1986.

ANNEX II

Draft resolution

The General Assembly,

Having heard the statement made by the Minister for Foreign Affairs of the Republic of Nicaragua,

Recalling resolutions 530 (1983) of 18 May 1983 and 562 (1985) of 10 May 1985, of the Security Council,

Aware that, under the Charter of the United Nations, the International Court of Justice is the principal judicial organ of the United Nations and that each Member undertakes to comply with the decision of the Court in any case to which it is a party,

Considering that Article 36, paragraph 6, of the Statute of the Court provides that "In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court",

Taking note of the Judgment of the International Court of Justice of 27 June 1986 in the case of "Military and Paramilitary Activities in and against Nicaragua", a/

Having considered the events that have taken place in and against Nicaragua after the said Judgment, in particular, the continued financing by the United States of military and other activities in and against Nicaragua,

Emphasizing the obligation of States, under customary international law, not to intervene in the internal affairs of other States,

1. Urgently calls for full and immediate compliance with the Judgment of the International Court of Justice of 27 June 1986 in the case of "Military and Paramilitary Activities in and against Nicaragua" in conformity with the relevant provisions of the Charter of the United Nations;

2. Requests the Secretary-General to keep the General Assembly informed on the implementation of this resolution.

a/ I.C.J. Reports 1986, p. 14.