



General Assembly

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ORIGINAL: ENGLISH/SPANISHForty-fourth session
Agenda item 26JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE OF 27 JUNE 1986
CONCERNING MILITARY AND PARAMILITARY ACTIVITIES IN AND AGAINST
NICARAGUA: NEED FOR IMMEDIATE COMPLIANCEReport of the Secretary-General

1. On 25 October 1988, the General Assembly adopted resolution 43/11, which reads as follows:

"The General Assembly,

"Recalling Security Council resolutions 530 (1983) of 19 May 1983 and 562 (1985) of 10 May 1985, and its resolutions 41/31 of 3 November 1986 and 42/18 of 12 November 1987,

"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', 1/

1/ Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986, p. 14.

"Having considered the events that have taken place in and against Nicaragua since the Judgment was rendered, in particular the continued financing by the United States of America 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;

"3. Decides to include in the provisional agenda of its forty-fourth session the item 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'."

2. Pursuant to paragraph 2 of the above resolution, the Secretary-General wishes to inform the General Assembly that there have been no new developments in the situation since the adoption of resolution 43/11. It should be noted that, as pointed out in its annual report, 1/ the International Court of Justice, failing agreement between the parties and at the request of Nicaragua, is in the process of deciding, in accordance with its Judgment of 27 June 1986 on the merits of the case, the form and amount of the reparation owed by the United States of America to Nicaragua for "all injury caused to Nicaragua by certain breaches of obligations under international law committed by the United States". The United States has not participated in the proceedings to date, remaining of the view that the Court is without jurisdiction to entertain the dispute.

Notes

1/ Official Records of the General Assembly, Forty-Fourth Session, Supplement No. 4 (A/44/4), paras. 19-23).
