

A Treaty Obligation At the World Court

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New York Times (1857-Current file); Feb 4, 1985; ProQuest Historical Newspapers The New York Times
pg. A18

Letters

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To the Editor:

Overlooked in the United States withdrawal from the case of *Nicaragua v. United States* in the World Court was the fact that the Court based its jurisdiction in part on alleged violations of a 1958 treaty of Friendship, Commerce and Navigation between the two countries.

The relation of Nicaragua's allegations against the United States to this treaty is perhaps tangential, but nevertheless real. The allegations include mining Nicaragua's harbors and covert military and paramilitary activities.

While the treaty is addressed to commercial matters, it does contain clauses guaranteeing freedom of commerce and navigation, and a preamble speaks of "strengthening the bonds of peace and friendship traditionally existing" between the two nations.

Like many other treaties binding the United States, this one grants automatic jurisdiction to the World Court in the event of disputes between the parties as to its interpretation or application. For the United States to ignore this treaty basis for jurisdiction would be intentionally break a treaty obligation, something this country prides itself on never having done.

The United States should show up in the World Court, at least to argue the interpretation and applicability of the 1958 treaty. While the treaty compels the United States to do this much, it, in fact, presents the United States with an excellent opportunity to demonstrate that this country has not completely turned its back on the World Court.

The reasons given by the United States for withdrawing from the case were all addressed to the case's "compulsory jurisdiction" aspect; none of the reasons touched on the 1958 treaty. The opportunity now exists for statesmanship: to announce that this country will participate in the case to the extent only that its 1958 treaty obligations are implicated.

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Chicago, Jan. 28, 1985