

Gobierno de Reconciliación y Unidad Nacional
Unida Nicaragua Triunfa



STATEMENT OF GROUNDS

Comrade
Gustavo Porras
President National Assembly
His office.

Dear Comrade:

In accordance with the mandate of the Political Constitution of the Republic of Nicaragua, which establishes the fundamental duty of the President, as Head of State, to defend the rights of the Nation and the Nicaraguan people; I address you and the National Assembly, regarding this case that correspond to justice and right, to ensure compliance of the indemnification established by the International Court of Justice at The Hague in its Judgment of 27 June, 1986, ordering The United States of America to indemnify the State and people of Nicaragua, which constitutes an inalienable patrimony of all Nicaraguans.

FUNDAMENTATION

For the above, and based on what is established in articles 140 numeral 2), 150 numeral 3) and 138 numeral 1) all of the Political Constitution; And Article 93 (1) (e) and Articles 102 and 103, both in Law No. 606, "Organic Law of the Legislative Power", published in its consolidated text, with reforms incorporated in La Gaceta, Official Gazette No. 21 of 2 February 2015, I submit to the consideration of

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the National Assembly the current Initiative of "Law of Defense of the National Patrimony"

In addition, it is requested that this Initiative be granted the emergency procedure according to article 141, fifth paragraph of the Political Constitution of the Republic of Nicaragua and article 106 of Law No. 606, Organic Law of the Legislative Power of the Republic of Nicaragua and its incorporated reforms.

To this point the Statement of Grounds. Below is the text of the Initiative.

THE NATIONAL ASSEMBLY

In use of its faculties;

CONSIDERING

1. That the International Court of Justice at The Hague handed down a judgment on June twenty seven, 1986 concerning military and paramilitary activities in and against Nicaragua, condemning the United States to pay a compensation for the damages caused, to the amount of Seventeen billion dollars in 1989.

2. That Nicaragua has never abandon its demand, neither the execution of the sentence, nor has it ever presented a formal document before the International Court of Justice, which may presume or induce to think that Nicaragua has ceased its claim that the sentence be complied.

3. That for the acts of disposition of any State to have legitimacy and legality, require the fulfillment of the requirements of any

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administrative and judicial act: Faculty or competence of the governing body to decide on it.

4. That in Nicaragua an act of disposition involving renouncing the compensation of seventeen billion dollars could not be made verbally, not by a foreign ministry note, but by means of a law of the Republic (law which does not exist) which would render legal an act of disposition of that magnitude.

5. That at its forty-first session, at its 53rd Plenary Session of November 03, 1986, the United Nations General Assembly urgently calls for a full and immediate application of the ruling of the International Court of Justice issued on June 27, 1986. That this appeal is still in force. It is also appropriate to recall that under international law, States have an obligation not to intervene in the internal affairs of other States, since this constitutes a violation of the sovereignty of a State and Peoples self-determination.

6. That at the V Summit of the Americas held in Trinidad and Tobago on April 17, 2009 President Daniel Ortega publicly reminded The North American Head of State, Barack Obama that his government had a pending historic debt with Nicaragua for the damage caused during the war of aggression, thus expressing to the International Community that Nicaragua has never relinquished its claim for the damages caused during the war, which amounted at that time to Fifty billion dollars comprising

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interest, arrears and other charges for the historical backlog.

7. That both in National and Public International Law, no one can on their own, avoid their obligations. That all signatory Member States of the Charter of San Francisco, by which the United Nations was created, shall submit to the jurisdiction of the International Court of Justice and to comply with the resolutions adopted by it in the settlement of disputes which may arise between the States Parties before this Court.

HAS ISSUED

The following:

**LAW NO. ____ "LAW OF DEFENSE OF THE NATIONAL
PATRIMONY"**

Art.1: Reaffirm in all its value, efficacy and legal content each and every one of the considerations and resolutions issued by the International Court of Justice of The Hague, in its historic judgment of June 27, 1986 in accordance to International Law and our National Legislation.

Art.2: Order all corresponding instances of the State of Nicaragua to proceed to execute the necessary actions to comply with this Sentence.

Art.3: Repeal Law No. 130, "Law to Repeal Law No. 92, denominated Law for the Protection of the Rights of Nicaragua in the Framework of the International

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Court of Justice," and any other law, act or provision of Government which opposes this Law.

Art.4: To incorporate as a historic document and integral part of this Law, the text of the Forty-first Session of the General Assembly of the United Nations, issued at its 53rd Plenary Session on November 03, 1986, with an urgent appeal for the full and immediate application of the judgment of the International Court of Justice issued on June 27, 1986:

"41/31. Sentence of the International Court of Justice of June 27, 1986 on Military and Paramilitary Activities in and against Nicaragua: Necessity of its immediate compliance.

The General Assembly,

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

Recalling Security Council resolutions 530 (1983) of 19 May 1983 and 562 (1985) of 10 May 1985,

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,

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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 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",

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 of the implementation of the present resolution.

53. Plenary Session
3 November 1986"

To this point, is the urgent appeal of the United Nations General Assembly for full and immediate

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application of the Judgment of the International Court of Justice of 27 June 1986

Art. 5: Conclude reaffirming in all its value, efficacy and legal content each and every one of the considerations and resolutions issued by the International Court of Justice of the Hague, in its historic Judgment of 27 June 1986, in accordance with International Law and National Legislation.

Art. 6: The present Law shall come into force upon its publication in any means of social communication, without prejudice to its subsequent publication in La Gaceta, Official Gazette. Publish and comply with this Law.

Given in the city of Managua, in the Chamber of Sessions of the National Assembly on the _____ day of the month of _____ of the year two thousand and seventeen.

**Dr. Gustavo Eduardo
Porras Cortes**
President of the
National Assembly

**Lic. Loria Raquel Dixon
Brautigam**
Secretary of the
National Assembly

To this point, the Text of the Initiative of "Law of Defense of National Patrimony"; which I sign for what it does to the Statement of Grounds and Text of the present Initiative of Law. Managua, July twenty-seventh of the year two thousand and seventeen.

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**Daniel Ortega Saavedra
President of the Republic of Nicaragua**