

US Legally Owes Nicaragua Reparations, But Still Refuses to Honor 1986 International Court of Justice Ruling

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37 years after a 1986 International Court of Justice ruling, the United States still refuses to pay Nicaragua the reparations it legally owes. Today, the Nicaraguan government is demanding that the United Nations take action.

The International Court of Justice in the Hague ruled in 1986 that the US government had violated international law in its attacks on Nicaragua and that it owed the Central American nation reparations.

June 27, 2023 was the 37th anniversary of this ruling, and Washington still to this day refuses to pay Nicaragua the money that it legally owes it.

The International Court of Justice (ICJ) is the judicial arm of the United Nations. (It is not to be confused with the International Criminal Court (ICC), which is independent of the UN. The ICJ was founded in 1945, in order to settle disputes between states; whereas the ICC was only formed in 2002, in order to prosecute individuals.)

In 1986, [the ICJ determined](#) that the US repeatedly violated international law by:

- training, arming, equipping, financing, and supplying the Contra paramilitaries in Nicaragua;
- attacking Nicaraguan infrastructure;
- putting mines in Nicaragua's ports;
- imposing an embargo on Nicaragua; and
- encouraging the Contras to commit atrocities that violate international humanitarian law.

Nicaragua's current government has publicly called on the US to meet its obligations under international law.

This June 26, Nicaragua's President [Daniel Ortega sent a letter to UN Secretary General António Guterres](#) demanding that Washington pay reparations.

"There exists a historical debt with the Nicaraguan people that 37 years later has not been settled by the United States", Ortega said. "It is an obligation clearly established in a final judgment of the highest international judicial authority, the International Court of Justice".

The Nicaraguan president wrote:

The list of direct damages includes human damages, direct material damages, defense expenses, losses caused by the embargo. Also other damages such as social losses in education, health, work, social security, as well as potential losses for development and production.

From all points of view, *the nation's right to development was irreparably affected.*

...

The estimated value of the damages in March 1988, the date on which the Report was presented along with all supporting documentation, *was estimated at \$12 billion. This amount does not reflect damages after said date*, the consequences of which are currently verifiable.

For example, to this day, the country's social security system continues to pay pensions to those injured in the war and their relatives, including those who were part of the counterrevolutionary forces illegally financed by the United States, which never assumed the social cost of said illegalities.

[Adjusted for inflation](#), \$12 billion in 1988 would be more than \$31 billion in 2023.

The US terror war on Nicaragua's Sandinista government

Following the triumph of Nicaragua's socialist Sandinista Revolution in 1979, the United States created a far-right terror army that sought to violently overthrow the new revolutionary government.

The CIA armed and trained death squads known as the Contras - short for "Counterrevolutionaries".

With US backing, the Contras systematically used terrorism to destabilize Nicaraguan society.

A former Contra leader from one of the country's most powerful oligarchic families, Edgar Chamorro, published an open letter in the New York Times in 1986 admitting that "[terror is the most effective weapon of the 'contras'](#)".

It "was premeditated policy to terrorize civilian noncombatants to prevent them from cooperating with the Government. Hundreds of civilian murders, mutilations, tortures and rapes were committed in pursuit of this policy", he recalled.

Referring to the Contras as “CIA puppets” and “a proxy army controlled by the U.S. Government”, Chamorro wrote that “the ‘contras’ burn down schools, homes and health centers as fast as the Sandinistas build them”.

Chamorro said that US-backed Contras seized poor villages, then “selected those civilians they suspected of sympathizing with the Government and shot them in cold blood as a lesson”.



US President Ronald Reagan with Contra leader “Doctor Henry” outside the White House

In 1984, the Nicaraguan government filed a case with the United Nation’s judicial organ, the International Court of Justice (ICJ), demanding legal action against the United States for its attacks.

The US government refused to represent itself in court, boycotting the case. In doing so, Washington refused to accept the legitimacy of the UN-backed ICJ, undermining the so-called “[rules-based international order](#)” that the US claims it supports.

The ICJ case was officially called “Military and Paramilitary Activities in and against Nicaragua ([Nicaragua v. United States of America](#))”.

The judges wrote in 1986 that the court:

Decides that the United States of America, by training, arming, equipping, financing and supplying the contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to intervene in the affairs of another State;

...

Decides that the United States of America, by certain attacks on Nicaraguan territory in

1983-1984, namely attacks on Puerto Sandino on 13 September and 14 October 1983 ; an attack on Corinto on 10 October 1983 ; an attack on Potosi Naval Base on 4/5 January 1984 ; an attack on San Juan del Sur on 7 March 1984 ; attacks on patrol boats at Puerto Sandino on 28 and 30 March 1984 ; and an attack on San Juan del Norte on 9 April 1984 ; and further by those acts of intervention referred to in subparagraph (3) hereof which involve the use of force, has acted, against the Republic of Nicaragua, in breach of its obligation under customary international law not to use force against another State;

...

Decides that, by laying mines in the internal or territorial waters of the Republic of Nicaragua during the first months of 1984, the United States of America has acted, against the Republic of Nicaragua, in breach of its obligations under customary international law not to use force against another State, not to intervene in its affairs, not to violate its sovereignty and not to interrupt peaceful maritime commerce;

...

Finds that the United States of America, by producing in 1983 a manual entitled *Operaciones psicológicas [sic] en guerra de guerrillas*, and disseminating it to contra forces, has encouraged the commission by them of acts contrary to general principles of humanitarian law;

...

Decides that the United States of America, by the attacks on Nicaraguan territory ... and by declaring a general embargo on trade with Nicaragua on 1 May 1985, has committed acts calculated to deprive of its object and purpose the Treaty of Friendship, Commerce and Navigation between the Parties signed at Managua on 21 January 1956;

...

Decides that the United States of America is under a duty immediately to cease and to refrain from all such acts as may constitute breaches of the foregoing legal obligations;

...

Decides that the United States of America is under an obligation to make reparation to the Republic of Nicaragua for all injury caused to Nicaragua by the breaches of obligations under customary international law enumerated above.

The long history of US invasions, attacks, and economic blockades on Nicaragua

The ICJ ruling only considered the crimes that Washington had committed against Nicaragua in the 1980s.

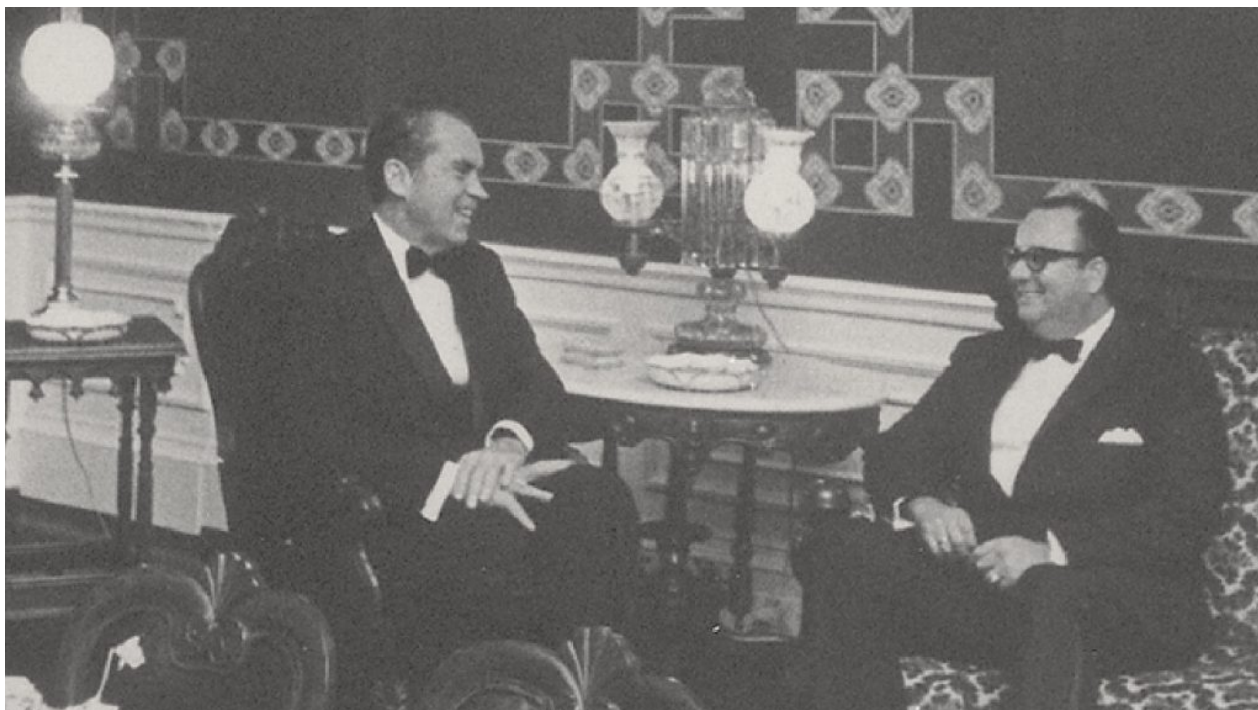
The United States has a history of invading and militarily occupying the Central American nation, on multiple occasions.

After decades of military occupation, the US Marines were expelled from Nicaragua in 1933,

due to an armed rebellion led by revolutionary General Augusto Sandino.

To maintain its political and economic control over the country, Washington left behind a National Guard led by Anastasio Somoza García. Somoza murdered Sandino, before later taking state power for himself, with US support.

The Somoza dynasty ruled Nicaragua as a brutal right-wing dictatorship. Somoza García's son, Anastasio Somoza Debayle, followed in his father's footsteps and ran the country with an iron fist, until he was overthrown in the 1979 Sandinista Revolution.

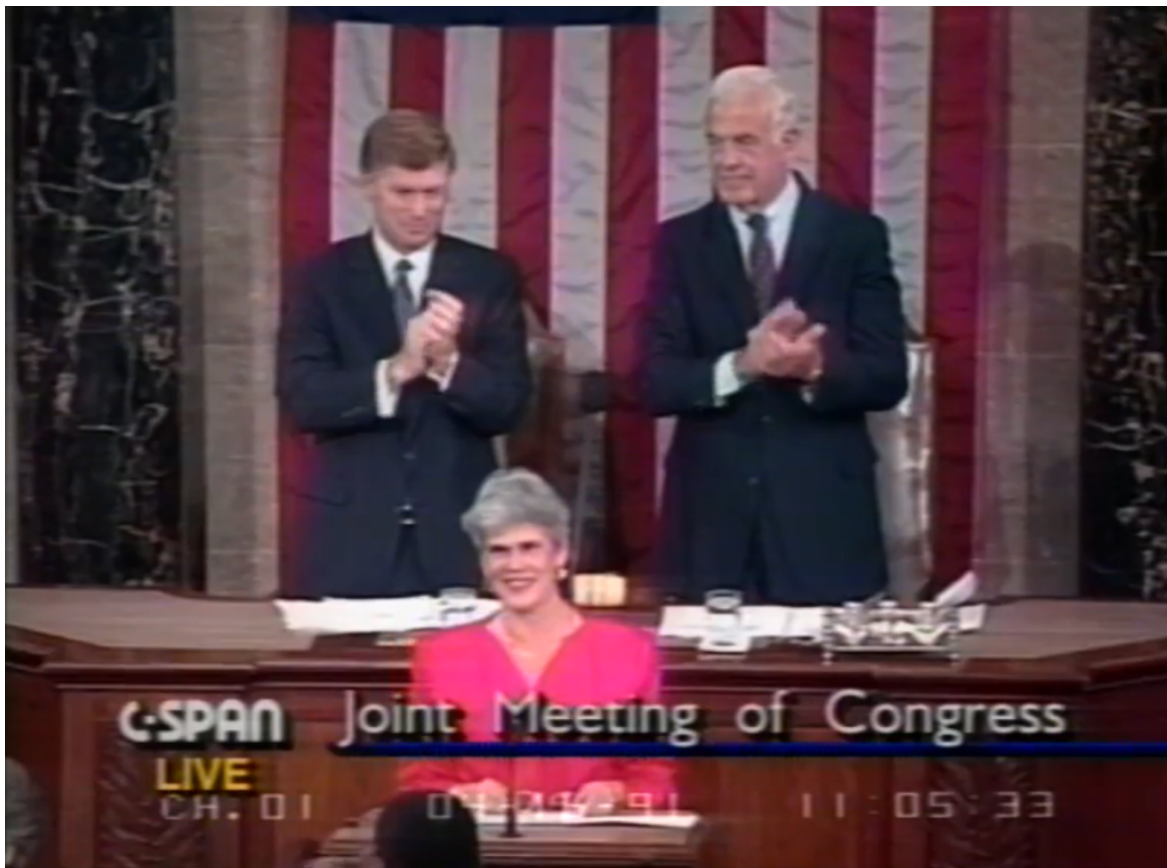


US President Richard Nixon with Nicaraguan dictator Anastasio Somoza Debayle in 1971

In the 1980s, Nicaragua's civilian population suffered the horrors of the US-sponsored terror war, as well as a devastating economic blockade, which caused hyperinflation and led to a shortage of many goods.

Washington's threat to continue waging this war and imposing the blockade led Nicaraguans to vote in the 1990 election for right-wing presidential candidate Violeta Chamorro, from the wealthy oligarchic dynasty that has long sought to control the country (in alliance with the US).

Chamorro's electoral victory was the result of massive US meddling and manipulation. The CIA and other US government agencies spent millions of dollars creating, supporting, and advising Chamorro's campaign.



Violeta Chamorro addresses the US Congress in 1991

In 1991, Chamorro's US-installed government told the ICJ that it did not plan on continuing with the case against Washington.

However, Chamorro's decision to discontinue the case was a direct result of the very same US violations of international law and attacks on Nicaraguan sovereignty that the ICJ had ruled on in the first place.

Nicaragua's sovereign government has the right to return to the ICJ case today and demand that its legally binding ruling be implemented.

In his letter to the United Nations secretary general, President Daniel Ortega pointed out that, in 1991, Chamorro's government in "Nicaragua discontinued the proceedings before the Court to determine the amount owed, *but at no time did it waive the payment of the debt, that is, the right to receive compensation*".

Ortega's letter made it clear that Chamorro's decision not to proceed with the case does not change Washington's legal obligation to pay reparations.

The current Nicaraguan president wrote to the UN:

Nicaragua never received anything to which it was not entitled (such as the right not to be attacked) in exchange for discontinuing the trial before the Court.

Instead of receiving compensation as it morally and legally corresponds, Nicaragua continues to be the object of a new type of aggression. It is in this context, in which Nicaragua has once again been the victim of attacks, now euphemistically called sanctions, and the victim of an attempted coup, that the people of Nicaragua remember

the historic sentence of the International Court of Justice.

...

Nicaragua takes this opportunity to recall that the judgments of the International Court of Justice are final and of inescapable compliance, and therefore the United States has the legal obligation to comply with the reparations ordered by the judgment of June 27, 1986.

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Featured image: The United Nations' International Court of Justice (ICJ)

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