Written Reply of the Republic of Nicaragua to the Question of Judge Cançado Trindade

"My question is addressed to all delegations of participants I these oral advisory proceedings.
As recalled in paragraph (a) of the U.N. General Assembly's request for an Advisory Opinion of the International Court of Justice (General Assembly resolution 71/292 of 22/06.2017), the General Assembly refers to obligations enshrined into successive pertinent resolutions of its own, as from 1960, namely: General Assembly resolutions 1514 (XV) of 14.12.1960, 2066 (XX) of 16.12.1965, 2232 (XXI) of 20.12.1966, and 2357(XXII) of 19.12.1967.
In the course of the present oral advisory proceedings, references were often made to such resolutions by several delegations of participants.
In your understanding, what are the legal consequences ensuing from the formation of customary international law, with the significant presence of *opinio juris communis*, for ensuring compliance with the obligations stated in those General Assembly resolutions?"

RESOLUTIONS OF THE UNITED NATIONS GENERAL ASSEMBLY

Resolution 1514 of 14 December 1960 reaffirmed the principles and rules on self-determination contained in the Charter of the United Nations and made a clear enunciation of what this principle involved particularly the respect for the territorial integrity of colonial territories. The reaffirmation of these principles and Charter rules in Resolution 1514 leaves no doubt that they are also principles and rules of customary international law. The principle or rule on self-determination is a fundamental principle of human rights and is thus a peremptory norm from which no derogation is permitted. [1]

Resolutions 2066[2], 2232[3] and 2357[4] are concrete expressions calling for the application and respect of the principles and rules contained in Resolution 1514 to particular cases[5]. These Resolutions are adopted in the exercise of the special faculties that the General Assembly has in all matters of decolonization and self-determination. In this respect they reflect not only the *opinio juris* of the Member States but also reflect the *opinio juris* and practice of the Organization in charge of decolonization.

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[1] CR 2018/25, p. 42-44, paras. 38-47(Argüello).
[22] 16 December 1965.
[3] 20 December 1966.
[4] 19 December 1967.
[5] Not only that of Mauritius, but also Seychelles, Solomon Islands and others.

These Resolutions are of obligatory compliance by all Members of the United Nations who have responsibilities for the administration of non-self-governing territories.

LEGAL CONSEQUENCES

The Resolutions in question were adopted on matters relating to self-determination and decolonization which are within the functions and powers of the General Assembly and of obligatory compliance by State Members.

Since the principles and rules on self-determination and decolonization are also principles and rules of customary law, the obligations they entail are obligation for all States, whether or not they are members of the United Nations.

The consequences of these Resolutions and the obligations they reflect were spelled out during the oral proceedings in Nicaragua's pleadings[6] and we reiterate what was there indicated, including the consequences for the United Kingdom and third States.

[6] CR 2018/25, p. 47-48, paras. 65-68 (Argüello).