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THE LESSON OF NICARAGUA AND THE WORLD COURT

The anti-American actions of the World Court have given Senator Jesse Helms the last laugh at the expense of those self-righteous internationalists who tried to give him a hard time last fall about his opposition to the Genocide Convention, a 35-year-old never-ratified United Nations treaty. Helms has proved prophetic in his warning that the United States would be mighty foolish to trust our fate to the World Court.

The World Court (formally known as the International Court of Justice) became a forum in 1984 in which Nicaragua tried to embarrass the United States by challenging our support of anti-Communist Freedom Fighters in Central America. The United States asserted that the World Court has no jurisdiction to consider this issue because it involves (a) our fundamental national interests and (b) an issue of armed conflict, and both matters are supposed to be off-limits to the World Court.

The World Court's double standard in allowing Nicaragua to sue the United States, although Nicaragua could not be sued because it has never accepted the Court's compulsory jurisdiction, was called "astonishing" by the dissenting judge. Nicaragua's suit includes an absurd demand for hundreds of millions of dollars of "reparations," which the United States called "a blatant misuse of the Court for political and propaganda purposes."

By a vote of 15 to 1, the World Court decided to assume jurisdiction over Nicaragua v. United States. Most of the 15 judges come from other countries which have themselves refused to accept the Court's compulsory jurisdiction. So the Reagan Administration properly announced that it is refusing to participate in any further proceedings.

Even the U.S. State Department was shocked, issuing a statement "that the Court is determined to find in favor of Nicaragua in this case." Spokesman Alan Romberg added, "We profoundly hope the Court does not go the way of other international organizations that have become politicized against the interests of the Western democracies."

In 1946 when the United States joined the World Court, we were assured by the internationalists that the World Court would never order the United States to act contrary

to our national-security interests and that, in any event, the absence of any mechanism to enforce Court decisions would leave us free to disregard any ruling we deemed contrary to our fundamental interests. Now we know that those starry-eyed internationalists cannot deliver on their promises.

The World Court decided to be an activist tribunal and overran its own limitations in order to grab the chance to rule against the United States. That gave the anti-American nations a golden opportunity to denounce our walkout.

How does this all relate to Jesse Helms? One of the side controversies in last fall's political campaign was ratification of the Genocide Convention. The State Department was gung ho for uncritical and speedy ratification, whereas Helms said, go slow; the Genocide Convention jeopardizes American interests, so let's attach some reservations.

At issue was Article IX of the proposed Genocide Convention which makes it mandatory that disputes about the interpretation or application of the Convention "shall be submitted to the International Court of Justice at the request of any of the parties to the dispute." This Article would give the World Court jurisdiction not only over foreign allegations that we were committing genocide, but even over domestic disputes where individual citizens might be accused of genocide.

Senator Helms correctly pointed out that it would be foolish for the United States to put its head in that noose, and he recommended incorporating an Understanding which would reserve to the United States the right to be the judge of what is our own domestic jurisdiction and what is not. Senator Helms had to endure the wrath of the liberals last fall, but now it looks as though he saved us from signing away our rights.

The word around Washington is that the illegal and anti-American action of the World Court has so shaken our State Department that it has privately conceded that Senator Helms' criticism of the Genocide Convention last fall was on target. The Nicaragua/World Court case will have been worth the embarrassment we suffered if it dissuades our State Department from pushing any treaties which subordinate American interests or rights to any international agency.