CORRESPONDENCE

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TO THE EDITOR IN CHIEF:

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I was surprised to see that Professor Michael J. Glennon (81 AJIL 116, 128–29 (1987)) believes that the Hague Court may refuse to accept a new U.S. declaration under Article 36, paragraph 2 of the Court's Statute, on the ground that the U.S. Government is continuing (if that is the case) to defy the Court's Judgment in the *Nicaragua* case.

As the competence to verify states' declarations was not entrusted to the Court, it may neither accept nor refuse such instruments outside the framework of cases brought before it. By adopting the Court's compulsory jurisdiction, states incur obligations in relation to every other state that has made a similar declaration. At the most, those other states might react unfavorably to an American declaration by limiting the scope *ratione personae* of their declarations, e.g., by a reservation excluding from the jurisdiction of the Court disputes with states that are not in compliance with its decisions. Nevertheless, the validity of such reservations may be seriously doubted.

As for the general idea of Professor Glennon's Comment, I would have considered it reasonable to urge the Court to make use of the Connally reservation (along the lines proposed by Judge Lauterpacht in the fifties) if the United States had not explicitly waived invoking it at the jurisdictional stage of the case—at first, provisionally (see the U.S. Counter-Memorial of 1984, at p. 9), and later, by not referring to it. The only way the Court could have raised the question *proprio motu* would have been to invoke its "inherent jurisdiction" and to dismiss the case for lack of jurisdiction. However, the Court would have been placed in a somewhat awkward position, not—as Professor Glennon suggested—because of the *Tehran* case (where the Court's jurisdiction was *not* based on the U.S. Declaration of 1946), but because of the *Interhandel* case (where the Court did not deal with the U.S. objection based on the Connally reservation but, instead, declared the Swiss Application inadmissible).

Finally, as far as the term "deniers of international law" is concerned, it is noteworthy that the origin is to be traced back to German doctrine at the turn of the 19th century. That label—die Leugner des Völkerrechts—was attributed to writers who denied that international norms were something more than moral prescripts.

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