

NAPF vom 22.08.2014 zur Klage gegen die USA

Yesterday, the RMI filed an Opposition to the U.S. motion to dismiss, explaining why the Court cannot and should not look the other way.

“If the United States’ position is that in treaty disputes ‘might makes right,’ then I ask you, what does it mean—really—when a nation enters into a treaty with the United States?” said Laurie Ashton, attorney with the law firm Keller Rohrback LLP who serves as lead council for the Marshall Islands. “And what does the United States’ position say about its attempts to enforce other treaties, such as the Chemical Weapons Convention (recently against Syria), or, even more recently, the United States’ allegation that Russia is in breach of certain cruise missile test bans?”

The Opposition filed by the Marshall Islands explains, among other points:

- The Marshall Islands is not asking the Court to decide whether the United States should enter into the NPT, or whether the NPT is a good or a bad treaty for the United States. Instead, the Marshall Islands makes the legally grounded argument that while the Non-Proliferation Treaty is in effect and the U.S. is a party to it, there is no choice but for the U.S. to comply with it.
- Prior rulings in U.S. courts make it clear that it is the courts that determine compliance with the law, not the Executive.
- The U.S. Constitution says “ALL” treaties are the supreme law of this nation. Not just some treaties, or the treaties the current President happens to prefer at any particular time.
- The NPT is a treaty, and under the plain language of our Constitution, the federal courts are charged with interpreting it, and resolving disputes involving it, such as this dispute.

“The U.S. position in this suit has very poor implications for treaty enforcement—and those implications affect us all,” said Ashton.