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INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING
SOVEREIGNTY OVER THE SAPODILLA CAYES/CAYOS ZAPOTILLOS
(BELIZE v. HONDURAS)**

**WRITTEN OBSERVATIONS OF THE REPUBLIC OF HONDURAS
ON THE APPLICATION FOR PERMISSION TO INTERVENE FILED BY
THE REPUBLIC OF GUATEMALA**

15 February 2024

[Translation by the Registry]

WRITTEN OBSERVATIONS OF THE REPUBLIC OF HONDURAS

1. In accordance with Article 83, paragraph 1, of the Rules of Court, and within the time-limit fixed by the Court in letter No. 160824 of 1 December 2023 addressed to the Agent of the Republic of Honduras (hereinafter “Honduras”), Honduras hereby submits its written observations on the Application for permission to intervene filed by the Republic of Guatemala (hereinafter “Guatemala”) on 1 December 2023, on the basis of Article 62 of the Statute of the Court, in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*.

2. Belize does not object to Guatemala’s intervention in this case, as stated in its written observations of 18 January 2024. This laconic acceptance of Guatemala’s intervention is at odds with the lengthy paragraph that follows it, in which Belize ventures to propose to the Court how the remainder of the proceedings should be organized and the time-limits to be fixed. Honduras objects to this proposal since it is not a possibility provided for in the Rules of Court.

3. Honduras will begin by making some preliminary remarks aimed at broadly informing the analysis of the Application for permission to intervene filed by Guatemala in this case. Honduras will then make a series of observations about the substance and scope of Guatemala’s Application vis-à-vis the Statute and the Rules of Court. Lastly, Honduras will make a number of closing remarks in support of its submissions to the Court.

I. Preliminary remarks

4. First, Guatemala’s Application for permission to intervene should be rejected *in limine* on account of a formal defect. Article 81, paragraph 3, of the Rules of Court provides that “[t]he application shall contain a list of the documents in support, which documents shall be attached”. This is a mandatory requirement and a condition *sine qua non* for the admissibility of the intervention. Guatemala has failed to satisfy this condition and to give either the grounds or the reason for this failure. In fact, there is no list of documents or annexes, because it is evident that Guatemala did not wish to compromise its position by submitting documents to the Court (on 1 December 2023) while it was unaware of the arguments of one of the Parties, the Counter-Memorial of Honduras not being filed until 4 December 2023. There is no excuse for failing to comply with this requirement.

5. It is clear that this deliberate omission by Guatemala in its Application for permission to intervene gives rise to confusion and ambiguity between the two sets of proceedings pending before the Court (those between Guatemala and Belize and those between Belize and Honduras) for, as far as Guatemala is concerned, the two cases are a *totum revolutum* to use as it sees fit. This muddling of the proceedings may interfere with the fundamental components of the right to a fair trial, to the detriment of the sound administration of justice. The Court should not sanction, in a unique and unprecedented case, the absence of documentation justifying the intervention.

6. Before examining the substance and scope of Guatemala’s Application for permission to intervene in light of the Statute and the Rules of Court, Honduras will make two preliminary observations that are intended to contextualize that Application. First, the Application is unique and as yet without precedent in the practice of the Court, and it must be examined taking into account the circumstances of the case. Second, Guatemala is seeking to intervene as a non-party.

1. Guatemala's Application for permission to intervene is unique

7. Given the existence of another case pending settlement by the Court — the one between Guatemala and Belize — it is more important than ever that Guatemala's Application for permission to intervene “only be judged *in concreto* and in relation to all the circumstances of [the] particular case”¹. In view of the specific circumstances of this case, Honduras considers that the Court must declare the Application inadmissible.

8. On 7 June 2019, the Court was seised of a dispute between Guatemala and Belize by way of a special agreement (*Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*). Subsequently, on 16 November 2022, Belize filed in the Registry of the Court an Application instituting proceedings against Honduras concerning sovereignty over the Cayos Zapotillos, to which both Parties lay claim. The two disputes are distinct and, as is exhaustively underlined in Honduras's Counter-Memorial, although they appear to have a similar legal object (in one respect only, sovereignty), they are very different in all other respects², as will be shown at the appropriate stage of the proceedings.

9. In its Application for permission to intervene, Guatemala contends that there is an overlap between one of the submissions made by Belize in both cases³. According to Guatemala, this overlap alone is sufficient to require the Court to uphold its Application for permission to intervene in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*. Guatemala alleges that it is seeking to ensure that any decision of the Court in the latter case “do[es] not touch upon or prejudice the legal rights and interests of the Republic of Guatemala”⁴.

10. However, in analysing Guatemala's Application for permission to intervene in this case, the Court must necessarily take account of one objective fact that makes that Application unique and without precedent in the practice of the Court. Unlike in previous disputes in which a third party has made a request to intervene under Article 62 of the Statute, in this instance the Court is seised of another case, the one between Guatemala and Belize, in which, among other things, both parties claim sovereignty over the Cayos Zapotillos.

11. In light of this objective fact, Guatemala cannot be both a party and an intervening State in two sets of proceedings being considered in parallel by the Court, which directly or indirectly concern one particular subject, sovereignty over a group of cays. This is a procedural irregularity that runs counter to the right to a fair trial, because it alters the nature and legal status of both the institution of party to a dispute and the institution of intervention. Guatemala is seeking to defend the same interests before the Court both as a State party and as an intervening State, in two separate sets of proceedings.

12. It should be recalled that intervention is a voluntary and incidental procedure of self-protection that is available to and can be triggered by third States if they consider that they have an interest of a legal nature that may be affected in proceedings pending before the Court. In

¹ *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Order of 28 February 1990, I.C.J. Reports 1990*, pp. 117-118, para. 61.

² Counter-Memorial of Honduras (hereinafter “CMH”), paras. 35-40 and 57-86.

³ Application for permission to intervene by the Government of the Republic of Guatemala, 1 Dec. 2023, para. 6.

⁴ *Ibid.*, para. 10 (b).

accordance with the Statute and the Rules of Court⁵, it is an institution that respects the principles of bilaterality (the traditional bilateral organization of international judicial dispute settlement) and of resistance to allowing third parties to intervene in ongoing proceedings (*pendente litis*)⁶.

13. It is evident that a third party does not have a right to intervene in proceedings, except where there are duly justified reasons, which is not the case here. Even in such an event, however, that State would not become a party, but a mere intervener with the right to be heard for the sole purpose of informing the Court of its purportedly affected interests. The State seeking to intervene must identify a genuine interest of a legal nature that may be affected by the decision of the Court and also establish how that interest could be affected during the proceedings.

14. In this regard, Honduras is of the view that Guatemala's Application for permission to intervene violates the "general principles of procedural law" recognized by the Court that build on the Statute and the Rules⁷, particularly the right to a fair trial.

2. Guatemala is seeking permission to intervene as a non-party

15. The Court's jurisprudence has established that a State may be authorized to intervene under Article 62 of the Statute both as a non-party and as a party⁸.

16. The Court has observed that the status of intervener as a party requires, in any event, the existence of a basis of jurisdiction as between the States concerned, the validity of which is established by the Court at the time when it permits intervention⁹. However, there is no basis of jurisdiction between Guatemala and Honduras, as Guatemala expressly recognizes¹⁰. This fact — the absence of a basis of jurisdiction — bears emphasizing. Consequently, despite Guatemala's silence in its Application, it must be concluded that it is seeking to intervene as a non-party.

17. It should be recalled that intervention as a non-party means that the intervener can neither introduce a new dispute into the proceedings nor participate in a discussion that concerns only the States parties.

18. The nature of the Application for permission to intervene as a non-party implies that Guatemala wants the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* and the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* to be considered separately by the Court. Belize appears to approve of this

⁵ See Art. 62 of the Statute in relation to Arts. 81, 84 and 85 of the Rules of Court.

⁶ The firm defence of the bilateral delimitation of their maritime spaces mounted by Libya and Malta against Italy's application for permission to intervene serves as a precedent as regards the essentially binary nature of international justice: *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984*, pp. 14-18, paras. 20-27.

⁷ *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, pp. 135-136, para. 102.

⁸ *Ibid.*, pp. 134-135, para. 99.

⁹ *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 432, paras. 28-29.

¹⁰ Application for permission to intervene by the Government of the Republic of Guatemala, 1 Dec. 2023, para. 12.

procedural approach¹¹, which is also supported by Honduras. This fact — the existence of two different sets of proceedings pending before the Court — also bears emphasizing.

19. In addition, it should be pointed out that in both its Application instituting proceedings and its Memorial, Belize makes clear this distinction between the cases, asking the Court “to adjudge and declare that, as between Belize and Honduras, Belize is sovereign over the Sapodilla Cayes”¹². It also argues that “[e]ach of the two disputes concerning sovereignty over the Sapodilla Cayes — between Belize and Honduras, and between Belize and Guatemala, respectively — can be dealt with as between the parties to each case, consistently with Article 59 of the Statute of the Court”¹³.

II. Guatemala’s Application for permission to intervene does not comply with the Statute and the Rules of Court

20. The possibility of intervention provided for in Article 62, paragraph 1, of the Statute of the Court does not automatically (*ipso facto*) confer any right on the intervening State¹⁴. In keeping with the principle of the sound administration of justice and bearing in mind the circumstances of the case, the Court must examine whether the conditions laid down in the Statute and the Rules of Court are met.

21. During this examination, the Court must take account of the following elements: the interest of a legal nature that may be affected, the object of the application for permission to intervene, the documentation submitted by the State in support of its application (non-existent in the case of Guatemala’s Application, as already stated) and the stage of the proceedings at which the request to intervene is made.

22. As regards the timing of the Application for permission to intervene, Honduras would draw the Court’s attention to the date on which that Application was filed. Guatemala submitted its Application on 1 December 2023, three days before Honduras filed its Counter-Memorial. Guatemala thus made its request before it was aware of Honduras’s position in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*. This fact reveals what Guatemala is seeking to achieve with the filing of its Application for permission to intervene: to use the dispute between Belize and Honduras to serve [its] own interests and thereby pursue its case against Belize.

23. Guatemala is seeking to influence the institution of intervention solely for its own gain. The Court provides however that, in exceptional circumstances, a request may be rejected for abuse of process: “It is only in exceptional circumstances that the Court should reject a claim based on a valid title of jurisdiction on the ground of abuse of process.”¹⁵ Honduras is of the view that in this instance, a request to intervene based on Article 62 of the Statute of the Court should be rejected on

¹¹ This can be deduced from its written observations of 18 Jan. 2024.

¹² Application instituting proceedings, 16 Nov. 2022, para. 22; Memorial of Belize (hereinafter “MB”), p. 87 (submissions).

¹³ MB, para. 11.

¹⁴ *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Application by Honduras for Permission to Intervene, Judgment, *I.C.J. Reports 2011 (II)*, pp. 433-434, para. 35.

¹⁵ *Immunities and Criminal Proceedings (Equatorial Guinea v. France)*, Preliminary Objections, Judgment, *I.C.J. Reports 2018 (I)*, p. 336, para. 150; *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation: 32 States Intervening)*, Preliminary Objections, Judgment of 2 February 2024, para. 113.

the ground of a clear abuse of process. Indeed, the above-mentioned general principles of procedural law preclude the exercise of a procedural right if it runs counter to the purpose for which that right was established.

24. Honduras emphasizes the unique nature of this case. Never before has a State party to proceedings sought to become involved in two cases simultaneously, in order to assert the same rights and legal interests in relation to maritime disputes *sub judice*. Even if Guatemala were not a party to the case, its intervention would alter the conditions of the legal dispute between Belize and Honduras, indirectly giving rise to some sort of new dispute within these other ongoing proceedings¹⁶. This constitutes an unwarranted abuse of the right to a fair hearing.

25. These written observations of Honduras will now address the two most relevant aspects mentioned above¹⁷: the legal interest that may be affected and the object of the Application for permission to intervene.

1. An apparent interest of a legal nature cannot be affected if Guatemala has effective and adequate procedural mechanisms to defend that interest before the Court

26. In support of its Application for permission to intervene, Guatemala identifies a series of elements which, although somewhat vague and not exhaustive¹⁸, are said to form the interest of a legal nature relevant for the purpose of invoking Article 62, paragraph 1, of the Statute of the Court and Article 81, paragraph 2 (a), of the Rules of Court:

- (i) “a decision of the Court that ‘Belize is sovereign over the Sapodilla Cayes’, as Belize requests, would inevitably affect Guatemala’s legal interests and rights with respect to these islands”;
- (ii) “a discussion in the Court’s reasoning that the United Kingdom would have had sovereignty over the Sapodillas before 1821, a point which Belize also argues in the *Guatemala/Belize* case”;
- (iii) “a discussion in the Court’s reasoning of instruments negotiated and/or signed by Guatemala invoked by Belize”;
- (iv) “a discussion in the Court’s reasoning of any exchanges between Guatemala and the United Kingdom or Belize with respect to the Sapodillas”; and
- (v) “a discussion in the Court’s reasoning of the alleged recognition of Belize’s sovereignty by third States”.

27. It falls to the Court to determine whether there exists an interest of a legal nature that may be affected by the decision in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*. It is clear, *prima facie*, that all the evidence on which Guatemala bases its request to intervene relates to the dispute between Guatemala and Belize over the Cayos Zapotillos and is without consequence for Honduras. Honduras contends that, in carrying out this

¹⁶ The Court previously found that Italy was introducing a fresh dispute by means of its Application for permission to intervene in the *Continental Shelf* case between Libya and Malta: *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984*, pp. 22-23, paras. 34-36.

¹⁷ See above, para. 21.

¹⁸ Application for permission to intervene by the Government of the Republic of Guatemala, 1 Dec. 2023, para. 9.

analysis, the Court must take into account the application in this case of the principle of the sound administration of justice. In particular, the Court must consider two key elements.

28. First, the Court has been considering the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* and the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* in parallel since 2022. This parallel consideration of the two ongoing cases is peaceable, because it has been expressly or implicitly accepted by all parties to the two disputes.

29. Aware of the difficulties that this situation presents for the Court, and in order to facilitate the sound administration of the simultaneous proceedings, Honduras agreed as a gesture of goodwill that, in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*, the Parties would abstain from choosing a judge *ad hoc*, despite the tangible benefits for Belize of such an appointment in the other case. Furthermore, in accordance with Article 45, paragraph 2, of the Rules of Court, Honduras left it to the Court to determine whether it was necessary for the Parties to the present case to file a reply and a rejoinder, and did not have recourse to its right to request a continuation of the written proceedings. The Court decided that such pleadings were not needed and that it would notify the details of the oral proceedings to the Parties. However, the incidental proceedings initiated by Guatemala are contrary to the parallel and peaceable consideration of the two cases because they are delaying one of them unnecessarily.

30. Honduras maintains that the parallel consideration of the two cases by the Court constitutes a sufficient guarantee that any interest of a legal nature alleged by Guatemala will not be affected by the proceedings in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*. The Court has to date taken appropriate measures to avoid such an event and can continue to do so *proprio motu* during the oral proceedings in the two cases, as well as in the two judgments it will render, without there being any need for Guatemala's intervention.

31. Second, the arguments put forward by Guatemala to suggest the existence of an interest of a legal nature are well known to the Court. Guatemala has already addressed them at length in both its Memorial and its Reply in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*. In addition to any arguments that might be developed during the oral proceedings in that case, Guatemala has duly informed the Court of:

- (i) its position concerning sovereignty over the Cayos Zapotillos before 1821;
- (ii) the treaties negotiated by Guatemala of relevance in this case;
- (iii) the exchanges with the United Kingdom about the Cayos Zapotillos; and
- (iv) an alleged recognition of Belize's sovereignty by third States.

32. Honduras would reiterate that, rather than informing the Court of the existence of an interest of a legal nature, Guatemala is seeking, by means of its Application for permission to intervene, to secure a further opportunity to pursue its case against Belize. This aspiration is certainly unjustified and undue, since Guatemala still has the opportunity to defend its presumed rights and interests during the oral proceedings in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*.

33. The Court will be able to examine the written pleadings already submitted by Guatemala, as well as any arguments that it will present during the hearings in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, during the deliberation of that case. Any apparent interest of a legal nature that Guatemala may have in intervening in the other case can be guaranteed by the Court throughout the proceedings.

34. In view of the foregoing, Honduras considers, first, that Guatemala's alleged interest of a legal nature in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* "cannot be considered to be one 'which may be affected by the decision in the case'"¹⁹, within the meaning of Article 62 of the Statute; and, second, that Guatemala has access to effective and adequate procedural mechanisms within the context of the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* to safeguard any apparent interest of a legal nature. Those mechanisms have been triggered by Guatemala. Honduras would recall that this makes Guatemala's request unprecedented in the jurisprudence of the Court as regards intervention.

35. Ultimately, Guatemala is making inappropriate or improper use of the procedural mechanism of intervention, in breach of the general principles of procedural law recognized by the Court, in particular the right to a fair hearing. If Guatemala's intervention were to be permitted, there is a risk that Guatemala would essentially become another party to the case between Belize and Honduras, thereby altering the bilateral character of the case and creating a new dispute *de facto*.

2. The object of Guatemala's Application for permission to intervene becomes redundant and contrary to the sound administration of justice

36. Article 81, paragraph 2 (b), of the Rules of Court establishes another requirement that the Court must verify when evaluating the Application for permission to intervene. The State must set out "the precise object of the intervention".

37. Honduras reiterates that, in carrying out this examination in respect of the present Application for permission to intervene, the Court must also take account of the circumstances of the case. Specifically, there are two legal aspects of particular importance:

- (i) the parallel proceedings in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*; and
- (ii) the very different subjects of the two cases, beyond the claims of sovereignty over the Cayos Zapotillos.

38. First, Guatemala cannot simply assert that the Court must accept its request in order to ensure that there is no possibility of any interest of a legal nature being affected without the intervening State being heard. Nevertheless, the parallel proceedings in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* guarantee at all times Guatemala's right to present its arguments on three occasions — twice during the written proceedings, and again during the (as yet pending) oral proceedings. The allegations and abundant documentation presented by Guatemala in its written pleadings prove this.

¹⁹ *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*, Application for Permission to Intervene, Judgment, I.C.J. Reports 1981, p. 19, para. 33; *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II), p. 368, para. 67.

39. Second, the two cases have very different subjects, except in respect of one point. Guatemala's case against Belize involves claims concerning the attribution and delimitation of land (particularly mainland) and maritime areas, in which claims of sovereignty over the Cayos Zapotillos — a group of minor geographical features — are of a secondary, subordinate and ancillary nature. The dispute between Belize and Honduras, on the other hand, relates solely to sovereignty over this group of cays. Moreover, this case has other distinctive features that the Court must take into account when determining the object of the intervention.

40. It is perhaps for this reason that the object of Guatemala's intervention seems vague and imprecise²⁰, even contrived, in breach of the requirement set out in Article 81, paragraph 2 (b), of the Rules of Court. Through its intervention, Guatemala is seeking *stricto sensu* to repeat all the allegations it has made in its case against Belize since 2019, which invalidates the object of and the need for its intervention²¹:

“To inform the Court of the nature and extent of Guatemala's rights, which may be affected by the Court's decision on the issue of sovereignty over the Sapodillas. Guatemala's Application also seeks to ensure that the Court's determinations do not touch upon or prejudice the legal rights and interests of the Republic of Guatemala.”

41. When the Court renders its judgments in the two cases, it can simply take account, “as a fact, of the existence of other States having claims”²². The relative force of the Court's judgments, as recognized in Article 59 of the Statute, together with the fact that the two cases are being considered by the Court in parallel and simultaneously (with clearly corresponding timelines), precludes the possibility of any right or interest of the parties (including in all likelihood those of Guatemala) being infringed by a decision rendered in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*.

42. For all these reasons, the object of the intervention as proposed by Guatemala becomes redundant and contrary to the sound administration of justice. The object of the intervention is therefore not in keeping with the object and purpose of Article 62 of the Statute of the Court.

III. Closing remarks of Honduras

43. In its Application for permission to intervene²³, Guatemala asserts that in the Order of 2 February 2023, [note is taken of] “the relationship between the matters at issue in the present case and those before the Court in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*”²⁴.

44. Honduras considers that this statement, made by Belize's representative during a meeting with the representatives of the Parties (in accordance with Article 31 of the Rules of Court), can in no event be likened to the declaration made by the Court in the case concerning the *Land and*

²⁰ Application for permission to intervene by the Government of the Republic of Guatemala, 1 Dec. 2023, para. 10.

²¹ *Ibid.*, para. 10 (b).

²² *Continental Shelf (Libyan Arab Jamahiriya/Malta)*, Application for Permission to Intervene, Judgment, I.C.J. Reports 1984, pp. 26-27, para. 43; *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II), p. 363, para. 51. See also *Legal Status of Eastern Greenland*, Judgment, 1933, P.C.I.J., Series A/B, No. 53, p. 46.

²³ Application for permission to intervene by the Government of the Republic of Guatemala, 1 Dec. 2023, para. 12.

²⁴ *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*, Order of 2 February 2023, p. 2.

*Maritime Boundary between Cameroon and Nigeria*²⁵, which led to Equatorial Guinea's intervention in that case.

45. Honduras recalls the discretionary nature of the Court's decision on these incidental proceedings:

"It is indeed for the Court, being responsible for the sound administration of justice, to decide in accordance with Article 62, paragraph 2, of the Statute on the request to intervene, and to determine the limits and scope of such intervention. Whatever the circumstances, however, the condition laid down by Article 62, paragraph 1, shall be fulfilled."²⁶

46. Generally speaking, in order for an application for permission to intervene to be upheld, there must be an interest of a legal nature that may be affected in the case. In this instance, the non-infringement of Guatemala's rights and interests by virtue of its participation as a party in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* means that its request to intervene in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* is redundant and needlessly delaying the proceedings.

47. Guatemala's Application for permission to intervene undermines both the sound administration of justice and Honduras's position in the proceedings in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* for the reasons given throughout these observations.

IV. Submissions

48. In accordance with Article 62, paragraph 2, of the Statute of the Court, the Court has the discretionary power to decide whether to grant a request to intervene. In light of the arguments set out, Honduras considers that the Application for permission to intervene filed by Guatemala, for which there is no precedent, constitutes a clear abuse of process that goes beyond the object and purpose of Article 62, paragraph 1, of the Statute and Article 81, paragraphs 2 and 3, of the Rules of Court. Guatemala, for its part, has not established the existence of a legal interest that may be affected in the case.

49. Honduras is therefore of the view that the Application must be rejected and requests its rejection by the Court.

The Hague, 15 February 2024.

(Signed) Patricia LICONA,
Agent of Honduras
before the International Court of Justice.

²⁵ *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Preliminary Objections, Judgment, I.C.J. Reports 1998*, p. 324, para. 116.

²⁶ *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 358, para. 25.