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**International Court
of Justice**

**Cour internationale
de Justice**

THE HAGUE

LA HAYE

YEAR 2025

Public sitting

held on Wednesday 26 November 2025, at 10 a.m., at the Peace Palace,

President Iwasawa presiding,

*in the case concerning Sovereignty over the Sapodilla Cayes/Cayos Zapotillos
(Belize v. Honduras)*

VERBATIM RECORD

ANNÉE 2025

Audience publique

tenue le mercredi 26 novembre 2025, à 10 heures, au Palais de la Paix,

sous la présidence de M. Iwasawa, président,

*en l'affaire relative à la Souveraineté sur les cayes de Sapodilla
(Belize c. Honduras)*

COMPTE RENDU

Present: President Iwasawa
 Vice-President Sebutinde
 Judges Tomka
 Abraham
 Xue
 Bhandari
 Nolte
 Charlesworth
 Brant
 Gómez Robledo
 Cleveland
 Aurescu
 Tladi
 Hmoud
 Okowa

Registrar Gautier

Présents : M. Iwasawa, président
M^{me} Sebutinde, vice-présidente
MM. Tomka
Abraham
M^{me} Xue
MM. Bhandari
Nolte
M^{me} Charlesworth
MM. Brant
Gómez Robledo
M^{me} Cleveland
MM. Aurescu
Tladi
Hmoud,
M^{me} Okowa, juges
M. Gautier, greffier

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HE Mr Assad Shoman, Special Envoy of the Prime Minister of Belize responsible for sovereignty matters,

as Agent;

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Ms Naomi Hart, member of the Bar of England and Wales, Essex Court Chambers,

Mr Ben Juratowitch, KC, member of the Bar of Belize, the Paris Bar and the Bar of England and Wales, Essex Court Chambers,

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comme membres de la délégation.

The PRESIDENT: Please be seated. The sitting is open.

The Court meets this morning to hear the second round of oral argument of Guatemala on its Application for permission to intervene in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)*.

I now give the floor to Sir Michael Wood. You have the floor, Sir.

Sir Michael WOOD:

HONDURAS'S OBJECTION SHOULD BE DISMISSED

1. Mr President, Members of the Court, it is an honour to appear before you and to do so on behalf of the Republic of Guatemala.

2. I shall respond briefly to certain points made yesterday by counsel for Belize and Honduras. I shall be followed by Guatemala's Agent, who will conclude Guatemala's second round by addressing some central issues and reading our final submissions.

3. Mr President, as our Agent, as well as our counsel, Professor Miron and Mr Bundy, explained on Monday, there can be no doubt that the conditions for intervention under Article 62 of the Statute and Article 81 of the Rules of Court are fully met in this case. Guatemala's Application for permission to intervene is straightforward. Belize and Honduras claim sovereignty over Cayos Zapotillos. Guatemala also claims sovereignty over those cays. In such circumstances, it is only right for Guatemala to be permitted to intervene to inform the Court of its interests of a legal nature that may be affected by the Court's decision, and to protect those interests. This is a textbook example of a case for which Article 62 of the Statute was designed. By no stretch of the imagination could Guatemala's Application be considered an abuse of process. As the Court stated in its recent Advisory Opinion of 22 October 2025:

“While arguments relating to abuse of process have been invoked by parties in previous contentious cases, the Court has never accepted them. It has stated that only in ‘exceptional circumstances’ may the Court refrain from exercising its jurisdiction on the ground of abuse of process”¹.

4. Honduras has not begun to show that any such exceptional circumstances exist in this case.

¹ *Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory, Advisory Opinion, 22 October 2025* (unreported), para. 39.

5. Belize reiterated yesterday that it does not oppose Guatemala's intervention². I shall only be referring in one or two places to what they said. However, our Agent will address certain points made by Belize's Agent and counsel.

6. Honduras, on the other hand, continued to argue that you should not permit Guatemala to intervene. It did so in terms that were at times intemperate, largely unsupported by legal reasoning and very repetitive.

7. Mr President, I can be brief. There is no need to restate the careful and detailed arguments that Guatemala made on Monday, in systematic response to each of the reasons that Honduras had given in its written observations of 15 February 2024. On Tuesday, counsel for Honduras made assertion after assertion, but set out virtually no legal arguments.

8. For example, they said little, if anything, in response to what Professor Miron had said about Guatemala's interests of a legal nature that may be affected in this case; and they said little, if anything, in response to what Mr Bundy explained in detail about our fulfilment of the requirements of Article 81 of the Rules of Court. I recall the Court's clear words in the *Pulau Litigan and Pulau Sipadan* case: "there is *no requirement* that the State seeking to intervene necessarily attach any documents to its application in support"³.

9. Most of what Honduras said was of a very general nature, abstract and hardly relevant to the matters before the Court. This included Professor del Valle Gálvez' "four points"⁴, which I shall not attempt to summarize. Other counsel representing Honduras essentially repeated what had been said in their written observations, without reacting to our detailed presentation on Monday. We maintain that presentation in full.

10. But there were certain leitmotifs, indeed endlessly repeated points, to which I shall turn briefly.

11. The first concerns the object of Guatemala's intervention. You heard some speculation yesterday as to why Guatemala is seeking permission to intervene in this case; and even that Guatemala may somehow be doing so in an improper manner. It was suggested, for example, that

² CR 2025/22, p. 10, para. 2 (Shoman).

³ *Sovereignty over Pulau Litigan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 587, para. 29 (emphasis added).

⁴ CR 2025/22, p. 23, para. 2 (del Valle Gálvez).

Guatemala wishes to create a dispute between itself and Honduras⁵, or that it aims at obtaining an additional opportunity to plead its claim to sovereignty over Cayos Zapotillos against Belize⁶.

12. These assertions are wholly inaccurate. Guatemala is availing itself of Article 62 to protect an interest of a legal nature: its claim to sovereignty over the cays. A decision by this Court that either Belize or Honduras has sovereignty over Cayos Zapotillos would in practice most certainly affect, and very possibly prejudice, Guatemala's legal interests, and that is so even with the unusual formulation used in Belize's submissions to which Mr Juratowitch referred yesterday⁷. That formulation, I recall, is that the Court adjudge and declare that "Belize is sovereign over the Sapodilla Cayes", but that it should only do so "*as between Belize and Honduras*"⁸.

13. Mr President, counsel for Belize repeated on Tuesday that "Article 59 certainly does mean that what the Court decides in *Belize v. Honduras* will not bind Guatemala. That will be so, irrespective of whether the Court permits Guatemala to intervene."⁹ But Mr President, Members of the Court, this misses the point: a judgment can affect the legal interest of a State without being binding on it. That is why the protection given by Article 59 is insufficient and indeed it is why Article 62 exists.

14. Guatemala — it must be emphasized — does not seek to create a dispute with Honduras, or to introduce new claims in this case that may be adjudicated by the Court. Honduras' allegation has no basis. Guatemala makes no claims of sovereignty against Honduras, but it aims to ensure that its legal interests are preserved. Indeed, Honduras' belated claim to Cayos Zapotillos has not featured in the *Guatemala/Belize* case. It is a new element that has been injected into that case as a result of Belize's institution of the present proceedings. This underscores the need for Guatemala to intervene in this case to protect its legal interests.

15. Honduras said yesterday that Guatemala's Application ought to be rejected because of certain "particular circumstances", specifically, and this they repeated endlessly, the existence of the

⁵ CR 2025/22, p. 26, para. 21 (del Valle Gálvez).

⁶ CR 2025/22, p. 26, para. 21 (del Valle Gálvez) and p. 18, para. 28 (Juratowitch).

⁷ CR 2025/22, pp. 16-17, para. 21 (Juratowitch).

⁸ MB, p. 87 (emphasis added).

⁹ CR 2025/22, p. 16, para. 19 (Juratowitch).

Guatemala/Belize case¹⁰. But that argument is irrelevant. What matters for purposes of intervention is whether the conditions of Article 62 of the Statute and Article 81 of the Rules of Court are met. They clearly are.

16. Mr President, Members of the Court, my second point concerns Guatemala's interest of a legal nature.

17. Guatemala's interest is sufficiently specific and individualized — indeed, what could be more specific than a claim to sovereignty over the same territory as is at issue between Belize and Honduras? Guatemala's interest is also specific in relation to the maritime areas around the Zapotillos — should that figure in the Court's eventual decision.

18. It must be stressed that Article 62 is not about protecting an established right, but a legal interest, a “real and concrete claim of [a] State, based on law”¹¹. That is what the Court said in its Judgment in relation to Honduras' Application to intervene in the *Nicaragua v. Colombia* case. And the test is whether the legal interest “*may*” be affected by a decision in the case, not that it necessarily will be affected. Honduras' theory, developed at some length yesterday — that there should be some right judicially recognized for Article 62 to apply — is without foundation¹². There is no basis in the case law or anywhere else to maintain such a position. Counsel for Honduras was plainly wrong when he asserted that Equatorial Guinea's request to intervene in *Cameroon v. Nigeria* was based on a prior judicial determination. It was not.

19. Mr President as is well known, an interest of a legal nature may be affected by the *dispositif* of the final judgment or by its underlying reasoning. The extent to which the interest may be affected depends on the scope of the dispute as defined by the parties and identified by the Court. At this stage, Guatemala cannot know precisely what the scope will be. Belize said yesterday that it will object to the admissibility of some of Honduras' claims, but the Court must assess the risk of Guatemala's legal interest being affected without prejudging its decision on the scope of the dispute.

20. Mr President, Members of the Court, my third point concerns Article 59 of the Statute. Both Honduras and Belize yesterday suggested that this provision may offer Guatemala sufficient

¹⁰ CR 2025/22, p. 20, para. 13 (Licona).

¹¹ *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 434, para. 37.

¹² CR 2025/22, pp. 35-36, paras. 9-12 (Jiménez Piernas).

protection¹³. But as we explained on Monday, this old, formalistic argument does not hold, and it is not consistent with the Court's *jurisprudence constante*. Put simply, Article 62 would have no purpose if Article 59 protected third States in the manner suggested by Honduras and Belize.

21. My fourth point relates to the assertion by Honduras, and to some extent also by Belize, that it is not clear what information Guatemala wishes to bring to the attention of the Court that it has not already put forward, or that it could put forward, in the *Guatemala/Belize* case¹⁴.

22. Mr President, this is certainly not the time and place to enter into the substance of our intervention. The key point is this: the proceedings that Belize instituted against Honduras have added a new dimension to the *Guatemala/Belize* case. You no longer face claims by only two States over Cayos Zapotillos, but by three States. The legal arguments that Honduras has put forward in the present case, and the new documents produced by the Parties, have not been considered in the *Guatemala/Belize* case — Honduras' claims relating to the cays simply did not arise there.

23. Guatemala must be able to address this new development, to provide its views and to give proper context, by way of intervention under Article 62. That in no way means that Guatemala is trying to introduce a new claim or dispute with Honduras, or that it is somehow “novating” the present case. As I just mentioned, Honduras' belated claim to the Zapotillos has not figured in the *Guatemala/Belize* case. The idea that Guatemala could remedy this by seeking a third round of pleadings in *Guatemala/Belize* is out of the question and totally unrealistic.

24. Mr President, both Belize and Honduras have drawn attention to the fact that the issues at stake in the case between them are not exactly the same as those in *Guatemala/Belize*¹⁵. This does not mean, as they have suggested, that Guatemala's intervention in the present case would be superfluous. On the contrary: the new elements introduced by this case require Guatemala to address matters that have not arisen in *Guatemala/Belize*.

25. Mr President, Members of the Court, that concludes my statement. I thank you for your attention and request that you invite the Agent of the Republic of Guatemala to the podium. I thank you, Mr President.

¹³ CR 2025/22, p. 16, para. 19 (Juratowitch); p. 41, para. 33 (Jiménez Piernas) and p. 45, para. 22 (Pascual Vives).

¹⁴ CR 2025/22, p. 16, para. 21 (Juratowitch) and p. 25, para. 18 (del Valle Gálvez).

¹⁵ CR 2025/22, p. 28, para. 31 (del Valle Gálvez) and p. 14, para. 8 (Juratowitch).

The PRESIDENT: I thank Sir Michael Wood for his statement. I now invite the Agent of Guatemala, Her Excellency Ms Ana Cristina Rodríguez Pineda to the podium. You have the floor, Madam.

Ms RODRÍGUEZ PINEDA:

CONCLUDING REMARKS AND SUBMISSIONS

1. Thank you, Mr President, distinguished judges. I shall now provide the Republic of Guatemala's closing remarks and submissions.

2. Over the course of the first round of oral arguments on Monday, and once again today, Guatemala emphasized that the purpose of its Application for permission to intervene is not to have its claim over sovereignty adjudged by the Court. Accordingly, Guatemala is not seeking to plead its dispute with Belize, nor is it seeking to introduce a new dispute with Honduras. Guatemala trusts that it has clearly conveyed this to the Court, despite Honduras' insistent attempts to misrepresent Guatemala's intentions.

3. Granting the Application for permission to intervene would not only benefit Guatemala but would also assist the Court in the consideration of the two cases. First, it would allow the Court to have a full picture of the claims of sovereignty of the three States and of the relevant documents related to those claims. Second, it would provide it with the views of a State that has claimed sovereignty over Cayos Zapotillos for more than two centuries.

4. On Tuesday, both Parties made a point of showing that the Court is sufficiently informed of Guatemala's claim over Cayos Zapotillos by virtue of the written pleadings in the *Guatemala/Belize* case¹⁶. However, this assertion rests on a very narrow view of what it means to "inform" the Court. Informing is not only about submitting documentation on Guatemala's claims; it is also about presenting a perspective on the documents and the arguments made by the Parties.

5. Additionally, the object of Guatemala's intervention is, through this information, to protect its legal interests. While Guatemala has thoroughly asserted its position with respect to its own dispute with Belize, it has had no opportunity to protect its legal interests in relation to the case

¹⁶ See e.g. CR 2025/22, pp. 17-18, para. 27 (Juratowitch); p. 33, para. 17 (Pascual Vives) and p. 45, para. 23 (i) (Jiménez Piernas).

between Belize and Honduras concerning Cayos Zapotillos. Permitting Guatemala to intervene under Article 62 would allow it, as a highly interested State, to comment on the submissions made by the Parties in so far as they affect Guatemala's legal interests.

6. Contrary to what counsel for Honduras said on Tuesday, Guatemala is not "currently being amply heard" because of its status as a party in the case *Guatemala/Belize*¹⁷. The introduction of the *Belize v. Honduras* case, shortly before the date fixed for the delivery of Guatemala's Reply in its case with Belize, was a new development. There was not enough time for Guatemala to comment on this new case in its Reply. And even if there had been, it would have been entirely inappropriate to use that pleading to present views regarding a different case before the Court. Equally inappropriate would be to dwell upon it in the hearings on the merits in the *Guatemala/Belize* case.

7. Clearly, intervening under Article 62 of the Court's Statute is the only mechanism available to Guatemala to explain its views on the Parties' submissions regarding Cayos Zapotillos and to protect its interests of a legal nature in the dispute between Belize and Honduras.

8. Given that Belize initiated the present case against Honduras, co-ordination between both cases is necessary. On Monday, Guatemala suggested that the hearings be held back-to-back for the sake of consistency and efficiency¹⁸. I am glad to note that this suggestion was supported by Belize's Agent.

9. However, this would not be enough to ensure that our interests of a legal nature are protected. Since Belize has resurrected the belated claim of Honduras over Cayos Zapotillos, it would indeed be most useful for the Court to hear the views of all three interested States on the matter and thus admit Guatemala's intervention. We leave it to the Court to decide on the best course of action, while ensuring a prompt and complete resolution of the cases before it. Guatemala is equally eager to reach a complete resolution of the territorial, insular and maritime delimitation dispute between itself and Belize. It recalls in this respect the preamble of the Special Agreement of 8 December 2008 in which Guatemala and Belize expressed their wish "to finally put an end to any and all differences regarding their respective land and insular territories and their maritime areas"¹⁹.

¹⁷ See CR 2025/22, p. 44, para. 18 (Pascual Vives).

¹⁸ CR 2025/21, p. 15, para. 6 (Rodríguez Pineda).

¹⁹ Memorial of Guatemala in the *Guatemala/Belize* case, Vol. 8, Annex 443.

10. Guatemala notes the suggestion of Belize that, if the Court permits intervention, it should direct short periods for written and oral submissions²⁰. Guatemala agrees in principle as it has no intention to cause undue delay to the proceedings, which must remain efficient and fair in *both* cases.

11. Short time-limits should nevertheless be reasonable. In fact, any intervener must be afforded a genuine opportunity to prepare a considered statement, in order both to protect its rights and interests and to properly inform the Court thereof. In its letter to the Registrar not opposing the intervention, Belize had proposed a period of “approximately 2 months”²¹. We respectfully submit that this may be too short.

12. Mr President, this concludes Guatemala’s oral pleadings. I now proceed to read the submissions of the Republic of Guatemala.

“For the reasons set out in its Application for permission to intervene, and during the oral hearings, the Republic of Guatemala respectfully requests the Court to permit it to intervene in the case concerning *Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)* pursuant to Article 62 of the Statute.”

13. Mr President, distinguished judges, on behalf of the Republic of Guatemala, I wish to express my deepest gratitude to you, to the Registrar, his staff, as well as to the interpreters and translators. We are particularly thankful for the swift and accurate production of the verbatim records, which have been very useful for us. Finally, my thanks also go to the delegations of the Parties. Thank you, Mr President.

The PRESIDENT: I thank the Agent of Guatemala for the conclusions presented on behalf of her Government. This brings to an end the second round of oral argument of Guatemala, as well as this morning’s sitting. The Court will meet again this afternoon, at 4 p.m., to hear the second round of oral argument of Belize and Honduras.

The sitting is closed.

The Court rose at 10.30 a.m.

²⁰ CR 2025/22, p. 18, para. 31 (Juratowitch).

²¹ Letter from the Agent of Belize to the Registrar, 18 January 2024.