

19 MARS 2026

ARRÊT

SOUVERAINETÉ SUR LES CAYES DE SAPODILLA/CAYES ZAPOTILLOS

(BELIZE c. HONDURAS)

SOVEREIGNTY OVER THE SAPODILLA CAYES/CAYOS ZAPOTILLOS

(BELIZE v. HONDURAS)

19 MARCH 2026

JUDGMENT

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INTERNATIONAL COURT OF JUSTICE

YEAR 2026

**2026
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19 March 2026

SOVEREIGNTY OVER THE SAPODILLA CAYES/CAYOS ZAPOTILLOS

(BELIZE v. HONDURAS)

APPLICATION BY GUATEMALA FOR PERMISSION TO INTERVENE

Sapodilla Cayes/Cayos Zapotillos in the Gulf of Honduras — Present case concerns claims by Belize and Honduras to sovereignty over the cays — Guatemala and Belize also claim sovereignty over the cays in another case before the Court (Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)).

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Conditions for intervention — Article 62 of the Statute — Article 81 of the Rules.

Interest of a legal nature which may be affected by the Court’s decision.

Determination of whether Guatemala has an “interest of a legal nature” — Distinction between “interest” of a legal nature and “right” — Degree of certainty necessary to establish that interest of a legal nature “may be affected” — Necessity of demonstrating an interest that is not of a general nature — Guatemala’s claim that it has an interest of a legal nature because of a long-standing claim of sovereignty over the cays — Interest of Guatemala is based on a “real and concrete claim” to sovereignty over the cays — Interest of Guatemala is “based on law” since determination of sovereignty is intrinsically a legal question — Guatemala has demonstrated that it has an interest of a legal nature.

Determination of whether that interest “may be affected” by the Court’s decision — Operative clause of the Court’s Judgment on the merits will address sovereignty over the cays — Court’s

determination may thus affect Guatemala's interest in so far as it claims sovereignty over the cays — Any decision on Honduras's submission regarding traditional artisanal and subsistence fishing rights may also affect Guatemala's interest — The opportunity to present arguments in separate proceedings does not remove a State's right to apply for permission to intervene under Article 62 of the Statute— Intervention is an appropriate avenue for Guatemala to inform the Court of its legal interest and explain how and to what extent it may be affected — Article 59 of the Statute may not sufficiently protect Guatemala's legal interest — Guatemala has demonstrated that its interest of a legal nature may be affected by the Court's decision in the main proceedings.

Precise object of the intervention — Guatemala's claimed objects to protect its legal interest and to inform the Court of the nature and extent of its rights — No reason to depart from Court's settled jurisprudence that these are proper objects of intervention — State requesting permission to intervene not required to demonstrate that intervention constitutes sole means of protecting its legal interest — Object of intervention sufficiently connected to subject-matter of main dispute — Guatemala's intervention neither attempts to introduce a new dispute nor to alter the nature of the dispute — Precise object of the intervention, as set out by Guatemala, is in conformity with the requirements of the Statute and Rules of Court.

Issue of jurisdiction — State may intervene under Article 62 as a party or non-party — Autonomous basis of jurisdiction required for intervention as a party — No such requirement for State seeking to intervene as a non-party — Jurisdictional link between Guatemala and Honduras absent — Guatemala should thus be considered as seeking permission to intervene as a non-party.

Documents in support of the Application — No list of documents attached to Guatemala's Application — State seeking to intervene bears burden of proof— Choice of means to prove its assertions lies in sole discretion of the State — Obligation to provide list exists only when State decides to attach documents — Guatemala's Application cannot be rejected for failure to attach list of documents.

Guatemala's Application satisfies all conditions under Article 62 of the Statute and Article 81 of the Rules.

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Argument of Honduras that Court has and should exercise discretion to reject Guatemala's application based on alleged abuse of process — Authority entrusted to the Court is one of objective assessment — Court has no general discretion to accept or reject an application for permission to intervene — As requirements set out in Article 62 of the Statute and Article 81 of the Rules have been met, Court has no discretion to reject Application — Court does not accept Honduras's argument based on abuse of process.

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Intervention is permitted but limited to issue of sovereignty over the Sapodilla Cayes/Cayos Zapotillos, including fishing rights in the waters surrounding them.

JUDGMENT

Present: *President* IWASAWA; *Vice-President* SEBUTINDE; *Judges* TOMKA, ABRAHAM, XUE, BHANDARI, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDOS, CLEVELAND, AURESCU, TLADI, HMOUD, OKOWA; *Registrar* GAUTIER.

In the case concerning sovereignty over the Sapodilla Cayes/Cayos Zapotillos,

between

Belize,

represented by

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

as Agent;

Mr Mathias Forteau, Professor of Public Law, University of Paris Nanterre, member of the International Law Commission,

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,

as Counsel;

Ms Mariana Verde, Chief Operations Officer, Office of Belize's Agent to the International Court of Justice, Ministry of Foreign Affairs, Foreign Trade, Culture and Immigration of Belize,

as Adviser,

and

the Republic of Honduras,

represented by

HE Ms Patricia Licona Cubero, Ambassador, Counsellor of the Ministry of Foreign Affairs of the Republic of Honduras,

as Agent;

Mr Sergio Mauricio Acosta Valdés, Minister Counsellor of the Embassy of the Republic of Honduras in the Kingdom of Belgium,

as Co-Agent;

Mr Carlos Jiménez Piernas, Professor Emeritus, Universidad de Alcalá, Madrid, former Head of the International Legal Office of the Ministry of Foreign Affairs of the Kingdom of Spain,

Mr Alejandro del Valle Gálvez, Professor of International Law, Universidad de Cádiz,

Mr Francisco José Pascual Vives, Associate Professor of International Law, Universidad de Alcalá, Madrid,

HE Mr Miguel Tosta Appel, Ambassador, President of the National Commission on Sovereignty and Boundaries, Ministry of Foreign Affairs of the Republic of Honduras,

Mr Roberto Reina Vallecillo, Esq., Counsellor, Office of the Attorney General of the Republic of Honduras,

HE Mr Julio Rendón Barnica, Ambassador, Counsellor of the Attorney General's Office of the Republic of Honduras,

as Counsel and Advocates;

Mr Wolfgang Alexander Lappenberg, Counsellor, Special Director of Sovereignty, Ministry of Foreign Affairs of the Republic of Honduras,

Ms Elena Crespo Navarro, Associate Professor of International Law, Universidad Miguel Hernández, Elche, Alicante,

Ms Laura Aragonés Molina, Lecturer in International Law, Universidad de Alcalá, Madrid,

Ms Diana Ruiz Truque, Legal Consultant, member of the Madrid Bar,

as Advisers;

Mr Mario Licona, National Commission on Sovereignty and Boundaries, Ministry of Foreign Affairs of the Republic of Honduras,

as Technical Adviser;

on the Application for permission to intervene filed by the Republic of Guatemala,

represented by

HE Ms Ana Cristina Rodríguez Pineda, Ambassador of the Republic of Guatemala to the Kingdom of the Netherlands,

as Agent;

HE Ambassador Carlos Arturo Villagrán Sandoval, Director General of Legal Affairs, International Treaties and Translations, Ministry of Foreign Affairs of the Republic of Guatemala,

as Co-Agent;

HE Ms Mónica Renata Bolaños Pérez, Vice-Minister for Foreign Affairs of the Republic of Guatemala,

as National Authority;

Mr Rodman R. Bundy, former *avocat à la cour d'appel de Paris*, member of the Bar of the State of New York, Partner, Squire Patton Boggs, LLC, Singapore,

Ms Alina Miron, Professor of International Law, University of Angers, member of the Paris Bar,

Sir Michael Wood, KCMG, KC, member of the Bar of England and Wales,

as Senior Counsel and Advocates;

Mr Alain Pellet, Emeritus Professor, University Paris Nanterre, former Chairperson of the International Law Commission, member and former President of the Institut de droit international,

as Senior Counsel;

Mr Alfredo Crosato Neumann, Assistant Professor of International Law, Kadir Has University, Istanbul, member of the Lima Bar,

Ms Capucine Hamon, member of the Paris Bar,

Mr Najib Messihi, Lecturer in International Law, Saint Joseph University of Beirut,

Ms Tessa Charlotte Prune Barsac, Legal Consultant,

Mr Alvin Yap, Lecturer, University of Western Australia, Advocate and Solicitor of the Supreme Court of Singapore,

as Counsel;

Ms Anapaula Villagran Merida, Legal Adviser, Embassy of the Republic of Guatemala in the Kingdom of the Netherlands,

Mr Juan Pablo Hernández Páez, Deputy Legal Adviser, Embassy of the Republic of Guatemala in the Kingdom of the Netherlands,

as Advisers;

Ms Héloïse Bajer-Pellet, member of the Paris Bar,

Mr Scott Benton Edmonds, Geographer and Cartographer, International Mapping Associates,

as Technical Advisers;

Mr Ricardo Paganini Milián, Director, Sovereignty and Dominion Unit, Ministry of Foreign Affairs of the Republic of Guatemala, member of the Guatemala Bar,

Mr Nery Barrientos Girón, Consultant, Sovereignty and Dominion Unit, Ministry of Foreign Affairs of the Republic of Guatemala,

Mr Juan Ignacio Calzada Vizcaíno, Consultant, Sovereignty and Dominion Unit, Ministry of Foreign Affairs of the Republic of Guatemala,

Mr Byron Gutiérrez Valdez, Consultant, Sovereignty and Dominion Unit, Ministry of Foreign Affairs of the Republic of Guatemala,

Ms Manuela María Rodríguez Melgar, Political Counsellor, Embassy of the Republic of Guatemala in the Kingdom of the Netherlands,

as Members of the Delegation,

THE COURT,

composed as above,

after deliberation,

delivers the following Judgment:

1. On 16 November 2022, Belize filed in the Registry of the Court an Application instituting proceedings against the Republic of Honduras (hereinafter “Honduras”) with regard to a dispute concerning sovereignty over the Sapodilla Cayes (referred to by Honduras as the “Cayos Zapotillos”).

2. In its Application, Belize sought to found the Court’s jurisdiction on Article XXXI of the American Treaty on Pacific Settlement, signed on 30 April 1948 and officially designated in Article LX thereof as the “Pact of Bogotá”.

3. In accordance with Article 40, paragraph 2, of the Statute of the Court, the Registrar immediately communicated the Application to the Government of Honduras. He also notified the Secretary-General of the United Nations of the filing of the Application by Belize.

4. In addition, by a letter dated 30 November 2022, the Registrar informed all States entitled to appear before the Court of the filing of the above-mentioned Application.

5. Pursuant to Article 40, paragraph 3, of the Statute of the Court, the Registrar notified the Member States of the United Nations through the Secretary-General, and also any other State entitled to appear before the Court, of the filing of the Application by transmitting to them the printed bilingual text.

6. By an Order dated 2 February 2023, the Court fixed 2 May 2023 and 4 December 2023 as the respective time-limits for the filing of a Memorial by Belize and a Counter-Memorial by Honduras. The Memorial and the Counter-Memorial were filed within the time-limits thus fixed.

7. On 5 January 2024, a meeting was held by the President of the Court with the representatives of the Parties, pursuant to Article 31 of the Rules of Court, in order to ascertain their views with

regard to the further procedure to be followed in the case. At this meeting, neither Party indicated that it wished the Court to authorize or direct a second round of written pleadings. By letters dated 11 January 2024, the Registrar informed the Agents of Belize and Honduras that, in view of the agreement of the Parties, the Court had decided that a second round of written pleadings was not necessary.

8. By a Note Verbale dated 3 May 2023, referring to Article 53, paragraph 1, of the Rules of Court, the Government of the Republic of Guatemala (hereinafter “Guatemala”) asked to be furnished with copies of the pleadings and documents annexed in the case. Having ascertained the views of the Parties pursuant to that same provision, the Court decided to grant this request. The Registrar duly communicated this decision to the Government of Guatemala and to the Parties.

9. By a letter dated 4 May 2023, the Agent of Belize informed the Court that his Government “propose[d] to abstain from choosing a judge *ad hoc* for th[e] case, on condition of a like abstention by Honduras”. A copy of this letter was transmitted to the Government of Honduras and, by a letter dated 9 May 2023, the Co-Agent of Honduras informed the Court that her Government would also abstain from choosing a judge *ad hoc* in the case.

10. By a Note Verbale dated 19 May 2023, referring to Article 53, paragraph 1, of the Rules of Court, the Government of the United Mexican States (hereinafter “Mexico”) asked to be furnished with copies of the pleadings and documents annexed in the case. Having ascertained the views of the Parties pursuant to that same provision, the Court decided to grant this request. The Registrar duly communicated this decision to the Government of Mexico and to the Parties.

11. On 1 December 2023, Guatemala filed in the Registry of the Court an Application for permission to intervene in the case pursuant to Article 62 of the Statute of the Court. It stated therein that the object of this Application was

“(a) to protect the rights and interests of Guatemala over the Sapodilla Cays by all the legal means available, including that established by Article 62 of the Statute of the Court.

(b) 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.”

In accordance with Article 83, paragraph 1, of the Rules of Court, certified copies of Guatemala’s Application were communicated forthwith to Belize and Honduras, which were invited to furnish written observations on that Application by 15 February 2024.

12. Within the above-mentioned time-limit, the Governments of Belize and Honduras submitted written observations on Guatemala’s Application for permission to intervene. In its observations, Belize stated that it did not object to Guatemala’s Application. For its part, Honduras considered that the Application failed to comply with the Statute and the Rules of Court. Honduras having objected to the Application, the Parties and the Government of Guatemala were notified by

letters dated 17 July 2025 that the Court would hold oral proceedings, pursuant to Article 84, paragraph 2, of the Rules of Court, to hear the observations of Guatemala, the State applying to intervene, and those of the Parties to the case.

13. After ascertaining the views of the Parties, the Court decided that copies of the written observations which they had furnished on Guatemala's Application for permission to intervene would be made accessible to the public on the opening of the oral proceedings.

14. Public hearings on Guatemala's Application for permission to intervene were held on 24, 25 and 26 November 2025, at which the Court heard the oral arguments and replies of:

For Guatemala: HE Ms Ana Cristina Rodríguez Pineda,
Ms Alina Miron,
Mr Rodman R. Bundy,
Sir Michael Wood.

For Belize: HE Mr Assad Shoman,
Mr Ben Juratowitch.

For Honduras: HE Ms Patricia Licona Cubero,
Mr Alejandro del Valle Gálvez,
Mr Francisco José Pascual Vives,
Mr Carlos Jiménez Piernas.

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15. In its Application for permission to intervene, the Government of Guatemala stated in conclusion that it

“respectfully requests the Court to permit its intervention in the proceedings between Belize and Honduras for the object and purpose specified [in this Application] and to participate in those proceedings in accordance with Article 85 of the Rules of Court. Guatemala reserves its right to present supplementary arguments and observations as necessary.”

16. In its written observations on Guatemala's Application for permission to intervene, Belize submitted that it “does not object to Guatemala being permitted to intervene in the case between Belize and Honduras pursuant to Article 62 of the Court's Statute”.

17. In its written observations on Guatemala's Application for permission to intervene, Honduras submitted as follows:

“The Court has the discretionary power to decide whether to authorize a request for permission to intervene, by virtue of Article 62, paragraph 2, of the Statute of the Court. In light of the arguments set out, Honduras considers that the request for permission to intervene made by Guatemala, which constitutes an unprecedented event, is in fact a clear abuse of process going 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.

Consequently, Honduras considers that the Application must be rejected and requests its rejection by the Court.”

18. At the oral proceedings, the following submissions were presented:

On behalf of the Government of Guatemala,

at the hearing of 26 November 2025:

“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.”

On behalf of the Government of Belize,

at the hearing of 26 November 2025:

“Belize does not object to Guatemala being permitted to intervene in this case pursuant to Article 62 of the Court’s Statute.”

On behalf of the Government of Honduras,

at the hearing of 26 November 2025:

“In accordance with Article 60 of the Rules of Court, and having regard to the Application for permission to intervene filed by the Republic of Guatemala and its oral arguments, the Republic of Honduras submits the following:

The Application filed by the Republic of Guatemala is redundant and an abuse of the institution of intervention, and must therefore be found inadmissible *in limine*. Furthermore, Guatemala has not complied with the requirements established by the Statute and the Rules of Court, namely Article 62 and Article 81, respectively.

Honduras (1) objects to permission to intervene being granted and (2) requests the Court to reject the Application for permission to intervene filed by Guatemala.”

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I. INTRODUCTION

19. Belize, Honduras and Guatemala are located in the south-western part of the Caribbean Sea. To the north-west of Guatemala and Belize lies Mexico. Honduras is bordered to the south-west by El Salvador and to the south by Nicaragua.

20. The coasts of Belize, Guatemala and Honduras form an inlet in the Caribbean Sea known as the Gulf of Honduras. The Sapodilla Cayes/Cayos Zapotillos are a group of maritime features within the Gulf of Honduras, located approximately 20 to 25 nautical miles from the coasts of the three States.

21. In the present case, Belize and Honduras both claim sovereignty over the Sapodilla Cayes/Cayos Zapotillos. Belize's claim is based on the alleged continuous, peaceful and open exercise of sovereign authority by the United Kingdom, to which Belize claims to have succeeded, and Honduras's alleged acquiescence in the assertion of that sovereignty. Honduras's claim is based on a title allegedly held by Spain, to which it claims to have succeeded, as well as the alleged continuous exercise of sovereign authority and *effectivités* by both Spain and Honduras.

22. On 7 June 2019, Guatemala and Belize notified to the Court a special agreement by which they submitted their dispute in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*. In that case, amongst other territorial and maritime claims, both Guatemala and Belize claim sovereignty over the Sapodilla Cayes/Cayos Zapotillos. Guatemala's claim is based on a title allegedly held by Spain, to which it claims to have succeeded. Belize's claim is based on the alleged continuous exercise of sovereign authority by the United Kingdom establishing a title to which it claims to have succeeded.

23. By a Note Verbale dated 7 January 2021, referring to Article 53, paragraph 1, of the Rules of Court, the Government of Honduras asked to be furnished with copies of the pleadings and documents annexed in the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)*, currently pending before the Court. Having ascertained the views of Guatemala and Belize pursuant to that same provision, the Court decided to grant this request. The Registrar duly communicated this decision to the Governments of Honduras, Guatemala and Belize.

II. CONDITIONS FOR INTERVENTION

24. The conditions for intervention under Article 62 of the Statute of the Court are set out in that Article, as further elaborated in Article 81 of the Rules of Court. While Article 81 has since been amended, the Court refers to the version of Article 81 that was in force at the time Guatemala's Application for permission to intervene was filed, that is, on 1 December 2023.

Article 62 of the Statute provides:

“1. Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.”

Under Article 81 of the Rules of Court, as then in force:

“1. An application for permission to intervene under the terms of Article 62 of the Statute, signed in the manner provided for in Article 38, paragraph 3, of these Rules, shall be filed as soon as possible, and not later than the closure of the written proceedings. In exceptional circumstances, an application submitted at a later stage may however be admitted.

2. The application shall state the name of an agent. It shall specify the case to which it relates, and shall set out:

- (a) the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case;
- (b) the precise object of the intervention;
- (c) any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case.

3. The application shall contain a list of the documents in support, which documents shall be attached.”

25. It falls to the State seeking to intervene to identify the interest of a legal nature which it considers may be affected by the Court’s decision in the case, to specify the precise object of its request, and to indicate any jurisdictional basis it claims to exist between itself and the parties. The Court will address each of these elements in turn.

1. The interest of a legal nature which may be affected

26. Article 62 of the Statute requires a State to demonstrate that it has an interest of a legal nature in the proceedings in which it seeks to intervene. Furthermore, it requires a link between the State’s interest and the claims in the main proceedings, in the sense that an interest of a legal nature may be affected by the judgment of the Court on the merits. This standard is expressed with greater precision in the English text of Article 62 of the Statute — “an interest of a legal nature which may be affected by the decision in the case” — than in the French text, “un intérêt d’ordre juridique . . . en cause”. Thus, in order for the Court to authorize an intervention under Article 62 of the Statute, the existence of an interest of a legal nature that may be affected by the Court’s decision constitutes a necessary condition.

27. In applying this condition, the Court has maintained certain distinctions in its jurisprudence which may have implications for Guatemala’s Application. The first concerns the distinction between an “interest” of a legal nature and a “right”. As the Court has previously observed,

“whereas the parties to the main proceedings are asking it to recognize certain of their rights in the case at hand, a State seeking to intervene is, by contrast, contending, on the basis of Article 62 of the Statute, that the decision on the merits could affect its interests of a legal nature. The State seeking to intervene as a non-party therefore does not have to establish that one of its rights may be affected; it is sufficient for that State to establish that its interest of a legal nature may be affected. Article 62 requires the interest relied upon by the State seeking to intervene to be of a legal nature, in the sense that this interest has to be the object of a real and concrete claim of that State, based on law, as opposed to a claim of a purely political, economic or strategic nature.” (*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. 26.)

In other words, a State seeking to intervene is not required to demonstrate that one of its “rights” may be affected; an “interest of a legal nature” suffices. Such an interest may relate to the operative clause of a judgment or “the reasons which constitute the necessary steps to the *dispositif*” (*Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, *Application for Permission to Intervene*, *Judgment*, *I.C.J. Reports 2001*, p. 596, para. 47).

28. The second distinction concerns the degree of certainty associated with the requirement that the interest of a legal nature “may be affected” by a decision of the Court. The Statute requires only that a State’s interest may be affected, not that it will or must be so affected (see *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, pp. 117-118, para. 61). It follows that, where a State seeking to intervene under Article 62 of the Statute demonstrates that its interest of a legal nature will necessarily be affected by the Court’s decision, the requirement is met *a fortiori*.

29. The third distinction is that a State seeking to intervene must demonstrate that it has a legal interest of its own that is directly in issue (*Continental Shelf (Tunisia/Libyan Arab Jamahiriya), Application for Permission to Intervene, Judgment, I.C.J. Reports 1981*, pp. 12-13, para. 19). This interest is to be distinguished from an interest of a general nature, such as an interest in “the general legal rules and principles likely to be applied by the decision” (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 124, para. 76).

30. It falls to the Court to evaluate the asserted interest of a legal nature that may — in the view of a requesting State — be affected, doing so on the basis of case-specific facts. This assessment must be carried out “*in concreto* and in relation to all the circumstances of a particular case” (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 118, para. 61).

31. Guatemala states the following in its Application:

“In the present case, Guatemala has a clear interest of a legal nature since, as the Court is aware, it has a longstanding claim of sovereignty over the Sapodillas, which is part of the subject-matter of the pending *Guatemala/Belize* case before the Court”.

Guatemala accordingly takes the view that the claims of sovereignty of Belize and Honduras over the Sapodilla Cayes/Cayos Zapotillos, and the arguments developed by Belize and Honduras to assert their claims, may affect its legal interest.

32. The Parties agree that the dispute between them concerns sovereignty over the Sapodilla Cayes/Cayos Zapotillos. Belize, moreover, acknowledges that Guatemala also claims to be sovereign over what they both refer to as the Sapodilla Cayes, which claim forms part of the subject-matter of the dispute before the Court in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*.

33. Honduras, however, argues that Guatemala has not identified an interest of a legal nature that is sufficiently “precise, specific and well established”. It draws attention to Guatemala’s submissions in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*, which in its view articulate a “generic claim concerning an indeterminate number of islands”, rather than a sufficiently specific reference to the cays, and thus do not “prove the existence of the qualified interest of a legal nature required by the Statute”. For its part, Belize does not contest that Guatemala possesses a legal interest in the present case.

34. Guatemala has articulated a specific claim to maritime features, sovereignty over which is the subject of the proceedings between Belize and Honduras. The Court notes that the specificity of Guatemala’s claim stands in marked contrast to that of Nicaragua in its Application for permission

to intervene in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)*, in which the Chamber observed the following:

“[T]he essential difficulty in which the Chamber finds itself, on this matter of a possible delimitation within the waters of the Gulf, is that Nicaragua did not in its Application indicate any maritime spaces in which Nicaragua might have a legal interest which could be said to be affected by a possible delimitation line between El Salvador and Honduras.” (*Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 125, para. 78.)

35. In the view of the Court, the interest of Guatemala is based on a “real and concrete claim” to sovereignty over the Sapodilla Cayes/Cayos Zapotillos. It is, moreover, “based on law” in so far as it concerns a determination, under international law, of sovereignty — a question which is intrinsically a legal one. The Court accordingly considers that Guatemala has sufficiently demonstrated an interest of a legal nature.

36. The Court now proceeds to assess whether Guatemala’s interest “may be affected” by the judgment on the merits in the present case.

37. The Court recalls that Belize, in its submissions to the Court, requests the Court to rule that it is “sovereign over the Sapodilla Cayes” and that “Honduras does not have any valid claim to the Sapodilla Cayes”. Honduras, for its part, asks the Court to reject Belize’s claim and to recognize its own sovereignty over what it refers to as the Cayos Zapotillos; it moreover requests the Court to “declare that the Republic of Honduras holds traditional artisanal and subsistence fishing rights in the waters surrounding the Cayos Zapotillos”. At the hearing, Belize indicated its intention to object to the jurisdiction of the Court with respect to the latter aspect of Honduras’s claim.

38. Guatemala contends that its legal interest may be affected by both the operative clause and the reasoning of the Court’s judgment on the merits. It observes that the legal arguments and evidence relied on by Belize and Honduras in support of their respective claims to title overlap extensively with those invoked by Guatemala in the case between it and Belize; any findings by the Court on those issues may thus affect its own claim. As set out in paragraph 51 below, Honduras disagrees, arguing that a variety of substantive and procedural protections are in place to safeguard any legal interest of Guatemala before the Court. Belize, while not formally objecting to Guatemala’s Application, has expressed doubt as to how the intervention would “protect Guatemala’s interest in addition to the combined effect of Article 59 of the Statute, . . . the formulation of Belize’s submissions, and . . . Guatemala’s full participation . . . as a party” in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*. In any event, Belize suggests that its claims and those of Guatemala do not necessarily share a common factual, legal or evidentiary basis.

39. The Court observes that the operative clause of its judgment on the merits in the present case will address the question of sovereignty over the cays. The Court’s determination may thus affect Guatemala’s interest of a legal nature, in so far as it claims sovereignty over the same territory in its case with Belize. Any decision by the Court on Honduras’s submission regarding traditional artisanal and subsistence fishing rights may also affect Guatemala’s interest of a legal nature.

40. In this regard, the Court's evaluation of Guatemala's Application for permission to intervene must be distinguished from its approach in the case concerning *Territorial and Maritime Dispute (Nicaragua v. Colombia)*. In that case, the Court recognized that, although Costa Rica possessed a legal interest in the maritime area under consideration, its interest would not be "affected" by the Court's decision since it remained possible for the Court, when delimiting the parties' maritime boundary, to end the line "before it reaches an area in which the interests of a legal nature of third States may be involved" (*Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 372, para. 89). Such an approach is not open to the Court in the present case, where the question does not concern the drawing of a maritime boundary, which is susceptible to being indicated in a particular direction "until it reaches the area where the rights of third States may be affected", thereby avoiding any potential intrusion upon the rights (or interests) of a third State (for example, *Maritime Delimitation in the Black Sea (Romania v. Ukraine), Judgment, I.C.J. Reports 2009*, p. 131, para. 219 (operative clause)). Rather, Belize and Honduras have asked the Court to determine the holder of sovereignty over specific maritime features in respect of which Belize and Honduras, as well as Guatemala, have advanced competing claims. For the Court to answer the question before it in the present case, it must necessarily decide whether Belize or Honduras (or neither) has sovereignty over the cays. Consequently, any judgment rendered on the merits may have a direct bearing upon Guatemala's interest, since it is one of the claimants to sovereignty over the same maritime features in a separate case before the Court.

41. Honduras nevertheless contends that the "parallel consideration of the two cases by the Court" itself "constitutes a sufficient guarantee that any interest of a legal nature alleged by Guatemala will not be affected". Moreover, in its view, the Court has at its disposal "appropriate measures to avoid such an event". The Court recalls that the possibility of a State bringing a new case before the Court "in no way removes its right under Article 62 of the Statute to apply to the Court for permission to intervene" in respect of a pending case (*Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 361, para. 42). In such situations, the options available to States to assert their rights as parties, and to safeguard their interests as interveners, are complementary. While Guatemala will have the opportunity to present its arguments vis-à-vis Belize in separate proceedings, only the present intervention would enable Guatemala to inform the Court of the nature and extent of its interest of a legal nature in relation to the claims of Honduras.

42. As a practical matter, while it is true that the *Guatemala/Belize* case concerning "any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to these territories" also involves, *inter alia*, the question of sovereignty over the Sapodilla Cayes/Cayos Zapotillos, the two cases remain separate. They also differ in scope, as Honduras itself has acknowledged (see paragraph 33 above). While certain case management measures might improve co-ordination between the two sets of proceedings, there are limits to what such measures can accomplish. In such circumstances, intervention remains an appropriate avenue for Guatemala to inform the Court of its legal interest in these proceedings and explain how and to what extent its interest may be affected by the Court's judgment in the present case.

43. Finally, Honduras contends that any interest of a legal nature that Guatemala may have could not be "affected" by the decision in this case, by virtue of Article 59 of the Statute, which provides that "[t]he decision of the Court has no binding force except between the parties and in

respect of that particular case”. Belize, for its part, suggests that “the combined effect of Article 59 of the Statute, . . . the formulation of Belize’s submissions, and . . . Guatemala’s full participation . . . as a party” in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)* might offer Guatemala adequate protection.

44. In the view of the Court, Article 59 does not necessarily insulate third States from the effects of any decision which the Court may render. An interpretation that the protective function of Article 59 transcends a bilateral setting would not be in harmony with the principle that each provision of a treaty — in this instance, Article 62 — is to be given its appropriate effects (see *Free Zones of Upper Savoy and the District of Gex, Order of 19 August 1929, P.C.I.J., Series A, No. 22*, p. 13). To hold that Article 59 shields a third State from the effect of a decision in a case to which it is not a party would eliminate the need for interventions altogether, thus rendering Article 62 superfluous. Article 62 addresses precisely the scenario in which a third State’s legal interests may be affected by the Court’s eventual decision, notwithstanding Article 59. While Article 59 confines the binding force of a decision to the parties and in respect of that particular case, Article 62 provides third States with an opportunity to seek protection of their interests of a legal nature that may otherwise be affected by the decision of the Court.

45. Disputes concerning territorial sovereignty make particularly evident the limits of Article 59, which delineates the *res judicata* scope of a decision and does not necessarily serve to protect the legal interests of third States. A State’s sovereignty over territory, absent special circumstances such as the establishment of a condominium between two or more States, is exclusive. In cases where the Court is asked to determine claims of sovereignty over territory to which other States claim rights, its determination that one State has sovereignty may affect not only the legal interests of the other party in the proceedings, but also those of a third State.

46. As the Court observed in *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, a case which concerned delimitation, “where the maritime areas of several States are involved, the protection afforded by Article 59 of the Statute may not always be sufficient” (*Judgment, I.C.J. Reports 2002*, p. 421, para. 238). This is equally true with regard to the determination of territorial sovereignty (see paragraph 40 above). Accordingly, the Court considers that, in the present case, Article 59 may not sufficiently protect Guatemala “from the effects — even if only indirect — of a judgment affecting” its legal interest (*Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)*, *Judgment, I.C.J. Reports 2002*, p. 421, para. 238).

47. In light of the foregoing analysis, the Court concludes that Guatemala has demonstrated that it has an interest of a legal nature which may be affected by the Court’s decision in the main proceedings.

2. The precise object of the intervention

48. Under Article 81, paragraph 2 (b), of the Rules of Court, an application for permission to intervene must set out “the precise object of the intervention”.

49. The Court recalls that, in its Application, Guatemala has set out the following objects of its intervention:

- “(a) [T]o protect the rights and interests of Guatemala over the Sapodilla Cays by all the legal means available, including that established by Article 62 of the Statute of the Court.
- (b) 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” (see paragraph 11 above).

According to Guatemala, its Application for permission to intervene is intended neither to introduce a new claim over the Sapodilla Cayes/Cayos Zapotillos nor to obtain a judicial pronouncement on its claims in *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*. Rather, it is intended to inform the Court of its claims so that its interests of a legal nature may be protected. Guatemala insists that the purpose of its intervention is to provide a more complete context to some of the arguments and materials presented by Belize and Honduras, in so far as those materials are partial and incomplete, and therefore fail to present the full picture or take account of Guatemala’s “legal interests and rights and its position”.

50. Belize does not object to Guatemala’s Application for permission to intervene. However, it questions precisely what information Guatemala could provide to the Court that will not already be provided in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*. Furthermore, it asks how such an intervention would, in practice, protect Guatemala’s interest beyond the protection already afforded by the combined effect of Article 59 of the Statute and Guatemala’s full participation in the other case.

51. Honduras, for its part, considers that the object of Guatemala’s intervention is vague, imprecise and even contrived, and therefore fails to meet the requirement under Article 81, paragraph 2 (b), of the Rules of Court. Specifically, Honduras asserts that the object of the intervention is improper and imprecise for the following reasons. First, the alleged legal interests of Guatemala are already protected in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*. Second, Guatemala has already informed the Court of its alleged legal interests in that case. Third, any legal interests alleged by Guatemala cannot be prejudiced in the current case, since the Court will protect them in the case between Guatemala and Belize. Moreover, Honduras reiterates that Article 59 of the Statute of the Court and the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)* offer a double layer of legal protection to Guatemala. The Court has addressed the merits of this last argument in the preceding analysis (see paragraphs 44-46 above).

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52. The Court notes that Guatemala has formulated the objects of its intervention using language that is broadly similar to that used in previous applications for permission to intervene (cf. *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, *Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 359, para. 30; *Land and Maritime*

Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Application for Permission to Intervene, Order of 21 October 1999, I.C.J. Reports 1999 (II), p. 1032, para. 4; *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, pp. 108-109, para. 38). With regard to the first object set out by Guatemala, the Chamber of the Court in *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)* considered that the object of protecting legal interests by all legal means available is proper, and need not be interpreted as a request for a judicial pronouncement on the underlying merits of the intervener's claims (*Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 131, para. 92). As for the second object articulated by Guatemala, the Chamber observed that "it is perfectly proper, and indeed the purpose of intervention, for an intervener to inform the Chamber of what it regards as its rights or interests, in order to ensure that no legal interest may be 'affected' without the intervener being heard" and that "the use in an application to intervene of a perhaps somewhat more forceful expression is immaterial, provided the object actually aimed at is a proper one" (*ibid.*, pp. 130-131, para. 90). In the circumstances of the present Application, the Court sees no reason to depart from its settled jurisprudence that these are proper objects of intervention.

53. Honduras expresses particular concern that the intervention may be inappropriate given the existence of other proceedings in which Guatemala's alleged legal interests are already before the Court, and in which one of the Parties to the present case, namely Belize, is also a party. The Court understands that the underlying concern of Honduras is the existence of another avenue through which Guatemala's legal interest might be protected, and that this should preclude Guatemala from intervening under Article 62 of the Statute. The Court does not find this argument convincing. A State requesting permission to intervene is not required under Article 62 of the Statute or Article 81 of the Rules to demonstrate that intervention constitutes the sole means of protecting its legal interest (see paragraphs 24-25 above). Nor is it for the Court to speculate on the existence of other means of safeguarding that interest where the application otherwise complies with the requirements of those provisions. In so far as the object of Guatemala's intervention is to protect its asserted legal interests over the Sapodilla Cayes/Cayos Zapotillos by all legal means available, and to inform the Court of the nature and extent of any legal interests it may have, the existence of the case concerning *Guatemala's Territorial, Insular and Maritime Claim (Guatemala/Belize)* is not an impediment to intervention in the present case.

54. In the opinion of the Court, the requirement under Article 81 of the Rules of Court that an application for permission to intervene specify "the precise object of the intervention" is not a mere formality. Rather, it elaborates upon the requirements set out in Article 62 of the Statute. As the Court has previously stated, Article 62 of the Statute permits intervention by a State that considers itself to have "an interest of a legal nature which 'may be affected by the decision in the case'" (*Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984*, p. 18, para. 28). The Court has also noted that an application for permission to intervene is an incidental procedure, and that the precise object of the intervention must therefore be connected with the subject of the main dispute (*Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 435, para. 44). It follows that a State requesting permission to intervene cannot seek to introduce a new case alongside the main proceedings under the guise of intervention; nor can it alter the nature of the main proceedings, transforming the case into a different one with different parties (*ibid.*, p. 436, para. 47; see also *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 134, para. 98; *Continental Shelf (Libyan Arab Jamahiriya/Malta), Application for Permission to Intervene, Judgment, I.C.J. Reports 1984*, p. 20, para. 31).

55. Therefore, the Court must also assess the connection between the precise object of the intervention and the subject-matter of the dispute in the present case. The Court notes that Belize claims sovereignty over the Sapodilla Cayes/Cayos Zapotillos on the basis that the United Kingdom, and subsequently Belize, have continuously, peacefully and openly exercised sovereign authority over the Sapodilla Cayes/Cayos Zapotillos for 200 years, and on the basis of Honduras's course of conduct amounting to acquiescence. Honduras, for its part, appears to share the view that the main dispute in this case concerns sovereignty over the Sapodilla Cayes/Cayos Zapotillos, to which both Parties lay claim (see paragraph 21 above). In this respect, the Court observes that the precise object of Guatemala's intervention, which is to protect its interest of a legal nature over the Sapodilla Cayes/Cayos Zapotillos and to inform the Court of the nature and extent of such interest, falls within the subject of the main dispute. In so far as Guatemala's intervention does not seek to establish its sovereignty vis-à-vis Belize and Honduras, it cannot be taken as an attempt to introduce a new dispute under the guise of intervention. The nature of the dispute over sovereignty cannot, in this connection, be said to be altered by Guatemala's Application for permission to intervene as a non-party (see paragraphs 57-63 below).

56. In light of the above considerations, the Court is of the view that the precise object of the intervention, as set out by Guatemala, is in conformity with the requirements of the Statute and the Rules of Court.

3. The issue of jurisdiction

57. Pursuant to Article 81, paragraph 2 (c), of the Rules of Court, an application for permission to intervene shall set out "any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case".

58. In its Application for permission to intervene, Guatemala does not specify whether it is seeking permission to intervene as a party or a non-party. However, when addressing the jurisdictional link between itself and the Parties to the case, Guatemala acknowledges the absence of such a link between Guatemala and Honduras. It invokes those cases in which the Court has clarified that the Statute does not require the existence of a separate basis of jurisdiction between the parties to the main dispute and a State seeking permission to intervene as a non-party.

59. Belize does not object to Guatemala being permitted to intervene and is otherwise silent on the jurisdictional basis or the capacity in which Guatemala is seeking to intervene.

60. Honduras, on the other hand, stresses the absence of a jurisdictional link between itself and Guatemala. Honduras therefore insists that despite Guatemala's silence on this point in its Application, it must be considered as seeking permission to intervene as a non-party. In this regard, Honduras emphasizes that a non-party intervener may only inform the Court of its interest of a legal nature, and may neither introduce a new dispute into the proceedings nor participate in a debate that concerns only the disputing parties.

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61. The Court recalls that Article 62 of the Statute and Article 81 of the Rules of Court do not specify the capacity in which a State may seek permission to intervene (*Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Application by Honduras for Permission to Intervene, Judgment,

I.C.J. Reports 2011 (II), p. 432, para. 27). A State may be permitted to intervene under Article 62 of the Statute either as a party or as a non-party (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, pp. 134-135, para. 99). The Court has made clear that, whereas a State seeking permission to intervene as a party must establish an autonomous basis of jurisdiction between itself and the States concerned, no such jurisdictional link is required for intervention as a non-party, notwithstanding the requirement under Article 81 of the Rules of Court that an intervening State set out “any basis of jurisdiction” (*Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 432, para. 28; *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 135, paras. 100-101). If an intervening State is permitted to become a party to the proceedings, it may request that rights of its own be recognized by the Court in the decision to be rendered. This determination would be binding upon that State, pursuant to Article 59 of the Statute, to the extent that intervention has been granted with respect to those matters (*Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, Judgment, I.C.J. Reports 2011 (II)*, p. 432, para. 29). By contrast, a State permitted to intervene as a non-party neither acquires the rights nor assumes the obligations associated with party status (*ibid.*; *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).

62. The Court notes that none of the States concerned contests the absence of a jurisdictional link between Guatemala and Honduras. Honduras, for its part, draws the Court’s attention to what it considers to be a contradiction, namely that Guatemala asserts sovereign rights as a party in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)* and, in parallel, intends to inform the Court of its legal interests of the same kind as a non-party in the present case. In the view of the Court, there is no contradiction in the procedural stance adopted by Guatemala, for the same reasons given above in relation to parallel proceedings (see paragraph 41 above). Lastly, as regards Honduras’s concern that Guatemala may introduce a new dispute into the proceedings as a non-party, the Court has noted above that the dispute over sovereignty is not altered by a non-party intervening State seeking to inform the Court of, and to protect, its legal interests with regard to the contested claim (see paragraph 55 above). However, the Court observes that it may limit the scope of intervention and authorize only certain aspects of an application for permission to intervene, in order to ensure that the incidental proceedings do not give rise to such potential concerns in the main proceedings (see paragraph 55 above; see also paragraph 76 below).

63. Therefore, in the view of the Court, Guatemala should be considered as seeking permission to intervene in the present case as a non-party, and the absence of a jurisdictional link between Guatemala and Honduras does not bar Guatemala’s intervention.

4. The documents in support of the Application for permission to intervene

64. In accordance with Article 81, paragraph 3, of the Rules of Court, an application for permission to intervene “shall contain a list of the documents in support, which documents shall be attached”.

65. Guatemala did not annex or submit a list of such documents with its Application for permission to intervene. It contends that there is no requirement for a State seeking permission to intervene to do so. Moreover, in Guatemala’s view, given the existence of the case between itself and Belize, submitting such a list was unnecessary because both the Parties in the present case, as

well as the Court, have access to the relevant documents (see paragraph 23 above). Guatemala adds that if it is permitted to intervene, it will annex, as appropriate, relevant documents to its written statement provided for in Article 85, paragraph 1, of the Rules of Court.

66. Belize takes no position on the documents required in support of the intervention.

67. Honduras, however, contends that Guatemala's Application for permission to intervene should be dismissed *in limine* for its failure to comply with the formal requirements under Article 81, paragraph 3, of the Rules of Court. Honduras argues that, in these exceptional circumstances, such requirements are necessary. In this case, according to Honduras, the absence of documentation is not merely an issue of formality but has profound substantive repercussions. Honduras argues that, had Guatemala attached any documents to its Application, a major flaw would have emerged, namely that Guatemala does not lack protection of its alleged interest.

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68. The Court recalls that, in the first place, it is for a State seeking permission to intervene to demonstrate convincingly what it asserts. It therefore bears the burden of proof to show that its interest of a legal nature may be affected by the decision in the case (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 117, para. 61). In this connection, Article 81, paragraph 3, of the Rules of Court obliges a State to provide a list of documents only if it decides to attach any documents in support of its application (*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. 48). As stated in *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, the choice of the means whereby the State seeking permission to intervene intends to prove its assertions lies in that State's sole discretion (*Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 587, para. 29).

69. For the foregoing reasons, Guatemala's Application for permission to intervene cannot be rejected under Article 81, paragraph 3, of the Rules of Court.

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70. The Court concludes that Guatemala's Application for permission to intervene satisfies all substantive and procedural conditions under Article 62 of the Statute and Article 81 of the Rules of Court.

III. OTHER OBJECTIONS RAISED BY HONDURAS

71. The Court recalls Honduras's argument that the Court has and should exercise discretion to reject Guatemala's Application for permission to intervene since the Application constitutes an abuse of process. In particular, emphasizing the existence of two "parallel" sets of proceedings, Honduras contends that Guatemala's Application is contrary to the general principles of procedural law — most notably judicial economy and the sound administration of justice — and amounts to a misuse of the procedural mechanism of intervention. In its final submissions, Honduras argues that

the Application filed by Guatemala is redundant and an abuse of the institution of intervention and must therefore be found inadmissible *in limine*.

72. In contrast, Guatemala maintains that the argument of the existence of a “parallel” dispute is irrelevant. According to Guatemala, what matters for the purposes of intervention is whether the conditions of Article 62 of the Statute and Article 81 of the Rules of Court are met. Moreover, it emphasizes that the present case introduces new elements that have not arisen in the case concerning *Guatemala’s Territorial, Insular and Maritime Claim (Guatemala/Belize)*.

73. Belize, for its part, presents no observations on any alleged abuse of process.

74. In the opinion of the Court, Article 62 of the Statute confers upon it the power to determine whether a State has an interest of a legal nature that may be affected by the decision in the case. The authority entrusted to the Court is one of objective assessment and not a general discretion to accept or reject an application for permission to intervene. As the requirements set out in Article 62 of the Statute and Article 81 of the Rules of Court have been met, it has no discretion to reject this Application. The Court has previously expressed this view in *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*:

“[I]t does not consider paragraph 2 [of Article 62 of the Statute] to confer upon it any general discretion to accept or reject a request for permission to intervene for reasons simply of policy. On the contrary, in the view of the Court the task entrusted to it by that paragraph is to determine the admissibility or otherwise of the request by reference to the relevant provisions of the Statute.” (*Application for Permission to Intervene, Judgment, I.C.J. Reports 1981*, p. 12, para. 17.)

75. Having concluded that all the requirements under Article 62 of the Statute and Article 81 of the Rules of Court are satisfied, the Court does not accept the argument put forward by Honduras that the Application for permission to intervene should be rejected on the ground that Guatemala has abused the process.

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76. As the Court has previously observed, intervention as a non-party, “in relation to the scope of the case as a whole, necessarily involves limitations of the right of the intervener to be heard” (*Land, Island and Maritime Frontier Dispute (El Salvador/Honduras), Application for Permission to Intervene, Judgment, I.C.J. Reports 1990*, p. 136, para. 103). The scope of an intervention by a non-party is thus circumscribed. The Court recalls that Guatemala has sought permission to intervene to protect its legal interests in relation to the question of sovereignty over the cays as referred to in paragraphs 11, 31 and 49 above. In the present instance, therefore, Guatemala’s intervention is to be limited to the issue of sovereignty over the Sapodilla Cayes/Cayos Zapotillos, including fishing rights in the waters surrounding them.

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77. For these reasons,

THE COURT,

Unanimously,

Decides that the Republic of Guatemala is permitted to intervene as a non-party in the case, pursuant to Article 62 of the Statute, to the extent and for the purposes set out in paragraph 76 of this Judgment.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this nineteenth day of March, two thousand and twenty-six, in four copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of Belize, the Government of the Republic of Honduras, and the Government of the Republic of Guatemala, respectively.

(Signed) IWASAWA Yuji,
President.

(Signed) Philippe GAUTIER,
Registrar.

Judge CHARLESWORTH appends a separate opinion to the Judgment of the Court; Judge TLADI appends a declaration to the Judgment of the Court.

(Initialed) I.Y.

(Initialed) Ph.G.
