



INTERNATIONAL COURT OF JUSTICE

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Summary

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Sovereignty over the Sapodilla Cayes/Cayos Zapotillos (Belize v. Honduras)

Application for permission to intervene filed by Guatemala

Chronology of the procedure (paras. 1-18)

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

On 1 December 2023, Guatemala filed in the Registry an Application for permission to intervene in the case pursuant to Article 62 of the Statute of the Court. While Belize stated that it did not object to Guatemala’s Application, Honduras opposed it.

Public hearings on Guatemala’s Application for permission to intervene were held on 24, 25 and 26 November 2025.

I. INTRODUCTION (PARAS. 19-23)

The Court begins by recalling that 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. 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.

The Court further notes that on 7 June 2019, Guatemala and Belize notified to it 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, among 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.

II. CONDITIONS FOR INTERVENTION (PARAS. 24-70)

The Court turns next to the legal framework set out in Article 62 of the Statute and Article 81 of the Rules of Court. It explains that, although Article 81 of the Rules has been amended since Guatemala's Application for permission to intervene was filed, it will refer, in the present case, to the version that was in force on that date, that is, on 1 December 2023. The Court recalls that, pursuant to the Statute and the Rules of Court, 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 addresses each of these elements in turn.

1. The interest of a legal nature which may be affected (paras. 26-47)

The Court notes that a State seeking to intervene must demonstrate that it has an interest of a legal nature in the main proceedings and that there is a link between that interest and the decision which might be taken by the Court at the end of those proceedings. In the words of Article 62 of the Statute of the Court, this is "an interest of a legal nature which may be affected by the decision in the case" (expressed more explicitly in the English text than in the French "un intérêt d'ordre juridique . . . en cause"). In addition, pursuant to Article 81, paragraph 2 (a), of the Rules of Court, as in force at the time Guatemala's Application for permission to intervene was filed, the application must specify "the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case".

The Court recalls that, 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". It further recalls that the State seeking to intervene 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. The Statute requires only that a State's interest may be affected, not that it will or must be so affected. The Court further observes that a State seeking to intervene must demonstrate that it has a legal interest of its own that is directly in issue; this interest is to be distinguished from an interest of a general nature.

The Parties agree that the dispute between them concerns sovereignty over the Sapodilla Cayes/Cayos Zapotillos.

Guatemala 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, given that 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".

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.

Moreover, 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 therefore 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.

The Court further considers that to interpret Article 59 of the Statute as offering third States protection from the effects of a decision in a case to which they are not parties would be to render intervention meaningless and deprive Article 62 of the Statute of any useful effect. 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. The Court thus considers that, in the present case, Article 59 of the Statute may not sufficiently protect Guatemala "from the effects — even if only indirect — of a judgment affecting" its legal interest.

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 (paras. 48-56)

The Court recalls that under Article 81, paragraph 2 (*b*), of the Rules of Court, as in force at the time Guatemala's Application for permission to intervene was filed, an application for permission to intervene must set out "the precise object of the intervention".

The Court observes that, in its Application, Guatemala has set out the objects of its intervention as being, first, "to protect the rights and interests of Guatemala over the Sapodilla Cays by all the legal means available" and, second, "[t]o 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".

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)*. 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.

The Court considers, in light of its jurisprudence, that the two objects of intervention identified by Guatemala in its Application are proper, since they seek to enable the intervening State to inform the Court of, and ensure the protection of, the interests which it considers itself to possess, which is consistent with the very purpose of intervention.

Honduras expresses concerns about the propriety of the intervention, particularly 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. However, the Court is of the view that a State seeking 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 the legal interest it claims. In so far as the object of Guatemala's intervention is to protect its asserted legal interests over the Sapodilla Cayes/Cayos Zapotillos, 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.

The Court recalls that it has stated in its jurisprudence that intervention is an incidental procedure, and that the precise object of the intervention must therefore be connected with the subject of the main dispute. It follows that a State seeking permission to intervene cannot introduce, under

the guise of intervention, a new case in parallel to the main proceedings; nor can it alter the nature of the main proceedings, transforming the case into a separate dispute involving different parties.

Consequently, the Court notes that it 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 observes that the Parties appear to agree that the main dispute in this case concerns sovereignty over the Sapodilla Cayes/Cayos Zapotillos, to which both Parties lay claim. In this respect, the Court notes that the precise object of Guatemala's intervention falls within the subject of the main dispute, in that the said object of the intervention 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. 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.

In light of these considerations, the Court is of the opinion that the precise object of the intervention, as set out by Guatemala, satisfies all substantive and procedural conditions under Article 62 of the Statute and Article 81 of the Rules of Court.

3. The issue of jurisdiction (paras. 57-63)

Pursuant to Article 81, paragraph 2 (c), of the Rules of Court, as in force at the time Guatemala's Application for permission to intervene was filed, 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".

The Court notes 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 that an intervening State set out "any basis of jurisdiction".

A State permitted to intervene as a non-party neither acquires the rights nor assumes the obligations associated with party status. The Court notes 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.

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 (paras. 64-69)

The Court recalls that 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".

Honduras 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.

The Court observes that 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. 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.

Consequently, the Court concludes that Guatemala's Application for permission to intervene cannot be rejected under Article 81, paragraph 3, of the Rules of Court.

III. OTHER OBJECTIONS RAISED BY HONDURAS (PARAS. 71-75)

According to Honduras, the Court has discretion to reject Guatemala's Application for permission to intervene because 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.

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 have been met in the present case, the Court notes that it has no discretion to reject the Application. Thus, 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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The Court notes that the scope of an intervention by a non-party is circumscribed. It recalls that Guatemala has sought permission to intervene to protect its legal interests in relation to the question of sovereignty over the cays. 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.

IV. OPERATIVE CLAUSE (PARA. 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."

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Judge CHARLESWORTH appends a separate opinion to the Judgment of the Court; Judge TLADI appends a declaration to the Judgment of the Court¹.

¹ Summaries of declarations and opinions written by Members of the Court in English are appended to the English version of the Summary of the Judgment.

Separate opinion of Judge Charlesworth

In her separate opinion, Judge Charlesworth observes that the Judgment imports some unnecessary complexities into the application of Article 62 of the Statute of the Court. She questions the relevance of Article 59 of the Court's Statute to decisions on interventions under Article 62, noting that the two provisions have no overlapping application.

Judge Charlesworth further notes that in the Judgment's analysis under the "precise object" condition, the Court imports further conditions, namely in connection with the possibility of the introduction of a new dispute and in the assessment of the connection between the "precise object" condition and the intervener's legal interest. These conditions do not modify the Court's final conclusions, and Judge Charlesworth argues that they are unnecessary.

Judge Charlesworth also discusses the Judgment's findings on the Court's power to limit the scope of the intervention.
