

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

**CASE CONCERNING MILITARY AND
PARAMILITARY ACTIVITIES IN AND
AGAINST NICARAGUA**

(NICARAGUA v. UNITED STATES OF AMERICA)

DECLARATION OF INTERVENTION OF THE
REPUBLIC OF EL SALVADOR

ORDER OF 4 OCTOBER 1984

1984

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

**AFFAIRE DES ACTIVITÉS MILITAIRES
ET PARAMILITAIRES AU NICARAGUA
ET CONTRE CELUI-CI**

(NICARAGUA c. ÉTATS-UNIS D'AMÉRIQUE)

DÉCLARATION D'INTERVENTION
DE LA RÉPUBLIQUE D'EL SALVADOR

ORDONNANCE DU 4 OCTOBRE 1984

Official citation :

*Military and Paramilitary Activities in and against Nicaragua
(Nicaragua v. United States of America), Declaration of Intervention,
Order of 4 October 1984, I.C.J. Reports 1984, p. 215.*

Mode officiel de citation :

*Activités militaires et paramilitaires au Nicaragua et contre celui-ci
(Nicaragua c. Etats-Unis d'Amérique), déclaration d'intervention,
ordonnance du 4 octobre 1984, C.I.J. Recueil 1984, p. 215.*

Sales number
N° de vente :

504

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YEAR 1984

4 October 1984

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(NICARAGUA *v.* UNITED STATES OF AMERICA)

DECLARATION OF INTERVENTION OF THE
REPUBLIC OF EL SALVADOR

ORDER

Present : *President* ELIAS ; *Vice-President* SETTE-CAMARA ; *Judges* LACHS,
MOROZOV, NAGENDRA SINGH, RUDA, MOSLER, ODA, AGO, EL-
KHANI, SCHWEBEL, Sir Robert JENNINGS, DE LACHARRIÈRE,
MBAYE, BEDJAOUÏ ; *Registrar* TORRES BERNÁRDEZ.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 48 and 63 of the Statute of the Court,

Having regard to Articles 82, 83 and 84 of the Rules of Court,

Having regard to the Application by Nicaragua filed in the Registry of the Court on 9 April 1984, instituting proceedings against the United States of America in respect of a dispute concerning military and paramilitary activities in and against Nicaragua ;

Having regard to the Declaration of Intervention, under the terms of Article 63 of the Statute, made by the Republic of El Salvador on 15 August 1984 and filed in the Registry the same day, in relation to the proceedings instituted by Nicaragua against the United States of America, as supplemented by a letter dated 10 September 1984,

Having regard to the written observations on that Declaration submitted by the Government of Nicaragua and the Government of the United States of America, respectively,

Makes the following Order :

1. Whereas by its Order of 10 May 1984 the Court decided *inter alia* that the written proceedings in the case should first be addressed to the question of the jurisdiction of the Court to entertain the dispute between Nicaragua and the United States of America and of the admissibility of Nicaragua's Application ;

2. Whereas the Declaration of Intervention of the Republic of El Salvador, which relates to the present phase of the proceedings, addresses itself also in effect to matters, including the construction of conventions, which presuppose that the Court has jurisdiction to entertain the dispute between Nicaragua and the United States of America and that Nicaragua's Application against the United States of America in respect of that dispute is admissible ;

3. Whereas the Court notes that in its Declaration of Intervention the Republic of El Salvador

“reserves the right in a later substantive phase of the case to address the interpretation and application of the conventions to which it is also a party relevant to that phase” ;

THE COURT,

(i) By nine votes to six,

Decides not to hold a hearing on the Declaration of Intervention of the Republic of El Salvador,

IN FAVOUR : *President* Elias ; *Vice-President* Sette-Camara ; *Judges* Lachs, Morozov, Nagendra Singh, Oda, El-Khani, Mbaye, Bedjaoui.

AGAINST : *Judges* Ruda, Mosler, Ago, Schwebel, Sir Robert Jennings, de Lacharrière.

(ii) By fourteen votes to one,

Decides that the declaration of intervention of the Republic of El Salvador is inadmissible inasmuch as it relates to the current phase of the proceedings brought by Nicaragua against the United States of America,

IN FAVOUR : *President* Elias ; *Vice-President* Sette-Camara ; *Judges* Lachs, Morozov, Nagendra Singh, Ruda, Mosler, Oda, Ago, El-Khani, Sir Robert Jennings, de Lacharrière, Mbaye, Bedjaoui.

AGAINST : *Judge* Schwebel.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this fourth day of October, one thousand

nine hundred and eighty-four, in four copies, one of which will be deposited in the archives of the Court, and the others transmitted to the Government of El Salvador, the Government of Nicaragua, and the Government of the United States of America, respectively.

(Signed) T. O. ELIAS,
President.

(Signed) Santiago TORRES BERNÁRDEZ,
Registrar.

Judge NAGENDRA SINGH appends a separate opinion to the Order ; Judges RUDA, MOSLER, AGO, Sir Robert JENNINGS and DE LACHARRIÈRE append a joint separate opinion to the Order ; Judges ODA and BEDJAOUI append a separate opinion to the Order.

Judge SCHWEBEL appends a dissenting opinion to the Order.

(Initialled) T.O.E.

(Initialled) S.T.B.
