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INTERNATIONAL COURT OF JUSTICE

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Communiqué

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Western Sahara

The following information is made available to the Press by the Registry of the International Court of Justice:

On 21 December 1974 the Court received from the General Assembly of the United Nations a request for an advisory opinion on the following questions:

"I. Was Western Sahara (Rio de Oro and Sakiet El Hamra) at the time of colonization by Spain a territory belonging to no one (terra nullius)?"

If the answer to the first question is in the negative,

II. What were the legal ties between this territory and the Kingdom of Morocco and the Mauritanian entity?"

On 3 January 1975 the President of the Court made an Order fixing 27 March 1975 as the time-limit for the submission of written statements by States considered by the Court as likely to be able to furnish information on these questions.

The States Members of the United Nations have been informed that, in the event of their being able to provide relevant information, the Court will be prepared to receive their written statements within the above-mentioned time-limit.

The subsequent procedure is reserved for further decision.

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The following is the text of the two main Articles of the Court's Statute governing the procedure on requests for advisory opinions:

Article 65

"1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question."

Article 66

Article 66

"1. The Registrar shall forthwith give notice of the request for an advisory opinion to all States entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any State entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time-limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such State entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such State may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other States or organizations in the form, to the extent and within the time-limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to States and organizations having submitted similar statements."
