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New Zealand's Request for an Examination of the Situation
in accordance with Paragraph 63 of the Court's 1974 Judgment
in the case concerning Nuclear Tests (New Zealand v. France)

The Marshall Islands and the Federated State of Micronesia
seek to intervene

Identical Applications for permission to intervene by the Governments of the Marshall Islands and the Federated States of Micronesia have been filed in the proceedings on New Zealand's Request for an Examination of the Situation in accordance with Paragraph 63 of the Court's 1974 Judgment in the case concerning Nuclear Tests (New Zealand v. France) (see Press Communiqué No. 95/22 of 21 August 1995). These documents are similar to those filed by Samoa and Solomon Islands on 24 August 1995 (see Press Communiqué No. 95/24 of 24 August 1995). The Applications are based on Article 62, paragraphs 1 and 2, of the Statute of the Court, which reads as follows:

"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."

The Governments of the Marshall Islands and the Federated States of Micronesia indicate in their Applications that the purpose of their intervention is "to protect [their] legal interests under general international law and under applicable treaties by all means available in conformity with the Statute of the Court. Those means include intervention in cases where a legal interest of the State may be affected by the decision." They seek "to inform the Court of [their] interests before any decision that might affect them is made, as well as to affirm the collective character of the obligations involved". The proposed interventions also refer to New Zealand's Further Request for the Indication of Provisional Measures.

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The Governments of the Marshall Islands and the Federated States of Micronesia each also filed identical declarations of intervention under

Article 63 of the Statute of the Court "to the extent that the construction of any provision of the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, signed at Noumea on 24 November 1986, is in question".

The declarations of intervention also refer to Article 82, paragraph 3, of the Rules of Court which provides:

"3. Such a declaration may be filed by a State that considers itself a party to the convention the construction of which is in question but has not received the notification referred to in Article 63 of the Statute."

Article 63 of the Statute of the Court reads as follows:

"1. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

2. Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it."
