



INTERNATIONAL COURT OF JUSTICE

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Communiqué
unofficial
for immediate release

No. 2001/26
19 October 2001

Sovereignty over Pulau Ligitan and Pulau Sipadan
(Indonesia/Malaysia)

Application for permission to intervene by the Philippines

Court to deliver its Judgment on Tuesday 23 October 2001 at 3 p.m.

THE HAGUE, 19 October 2001. The International Court of Justice (ICJ), the principal judicial organ of the United Nations, will on Tuesday 23 October 2001 deliver its Judgment on the Application for permission to intervene submitted by the Philippines on 13 March last in the case concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia).

A public sitting will take place at 3 p.m. in the Peace Palace in The Hague, at which the President of the Court, Judge Gilbert Guillaume, will read the Court's Judgment.

History of the proceedings

In its Application for permission to intervene, the Philippines stated that it wished to intervene in the proceedings in order "to preserve and safeguard [its Government's] historical and legal rights . . . arising from its claim to dominion and sovereignty over the territory of North Borneo, to the extent that these rights are affected, or may be affected, by a determination of the Court of the question of sovereignty over Pulau Ligitan and Pulau Sipadan"; "to inform the . . . Court of the nature and extent of [those] rights"; and "to appreciate more fully the indispensable role of the . . . Court in comprehensive conflict prevention".

While making clear that it did not seek to become a party to the case, the Philippines further maintained that "[its] Constitution . . . as well as its legislation, ha[d] laid claim to dominion and sovereignty over North Borneo". According to it, "[t]his . . . claim . . . ha[d] been the subject of diplomatic negotiations, official international correspondence, and peaceful discussions which ha[d] not been concluded. A decision by the Court, or that incidental part of a decision by the Court, which [would] lay down an appreciation of specific treaties, agreements and other evidence bearing on the legal status of North Borneo [would] inevitably and most assuredly affect the outstanding territorial claim of . . . the Philippines to North Borneo, as well as the direct legal right and interest of the Philippines to settle that claim by peaceful means."

Pursuant to Article 83, paragraph 1, of the Rules of Court, the Philippines Application was immediately communicated to Indonesia and Malaysia, and the Court fixed 2 May 2001 as the time-limit for the filing of written observations by those States.

In their written observations, Indonesia and Malaysia objected to the Application for permission to intervene by the Philippines. Indonesia *inter alia* stated that the Application should be rejected as untimely and that the Philippines had not demonstrated that it possessed an interest of legal nature which might be affected by a decision of the Court in the case. Malaysia, for its part, stated that the Philippines had no interest of a legal nature in the dispute, that its request had no proper object and that the Court should in any event reject that request.

Accordingly, pursuant to Article 84, paragraph 2, of its Rules, the Court, before deciding whether the Application for permission to intervene should be granted, heard the arguments of the Philippines, Indonesia and Malaysia during public sittings which were held from 25 to 29 June 2001.

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NOTE FOR THE PRESS

1. The public sitting will be held in the Great Hall of Justice of the Peace Palace in The Hague, Netherlands. Mobile telephones and beepers are allowed in the courtroom **provided they are turned off or set on silent mode**. Any offending device will be temporarily removed.

2. Members of the Press will be entitled to attend on presentation of a press card. The tables reserved for them are situated on the far left of the public entrance of the Great Hall of Justice.

3. Photographs may be taken for a few minutes at the opening and at the end of the sitting. Television crews may film the whole sitting, but advance notice should be given to the Information Office (see paragraph 8).

4. In the Press Room, located on the ground floor of the Peace Palace (Room 5), the reading of the Court's Judgment will be relayed through a loudspeaker.

5. At the end of the sitting, a press release, a summary of the Court's Judgment and the full text of the Judgment will be distributed in the Press Room.

6. The above-mentioned documents will be simultaneously available on the Court's website (<http://www.icj-cij.org>).

7. Members of the Press who wish to make telephone calls may use the phones located in the Press Room.

8. Mr. Arthur Witteveen, First Secretary of the Court (tel.: +31 70 302 2336), and Mrs. Laurence Blairon, Information Officer (tel.: +31 70 302 2337), are available to deal with any requests for information or arrangements for television coverage.
