

***Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)***  
***Application by the Philippines for Permission to Intervene***

I.C.J. Reports 2001

**Facts**

- a. Intervention by the Philippines is requested in relation to a case regarding international law (between Indonesia and Malaysia), brought before an international Court, with the alleged concern on the part of the Philippines that the consequences of this particular case might affect its own legal interests
- b. The Philippines initially filed a request on 22 February 2001 to be given copies of the pleadings and documents of the case, but this request was found inappropriate by the Court and denied
- c. On March 13, 2001 the Philippines submitted an application to intervene in the case, on the basis that the outcome of the case might have “direct or indirect bearing on the matter of the legal status of North Borneo”, the latter of which is of the property of the Philippines; yet this application not submitted until more than two years after the known beginning of the case
- d. Both Indonesia and Malaysia together reject the claim to intervene, based on issues of timeliness and appropriateness to the case

**Questions**

- a. Does the Court have jurisdiction to hear the case?
- b. Does the Philippines have the right, by Article 62 of the Statute, to intervene in this case concerning sovereignty over Pulau Ligitan and Pulau Sipadan?

**Decisions**

- a. The Court ruled that although the Philippines met the timeliness requirements—in that it submitted an application before it or the Court could have known the last written proceedings had been completed—and although the Court showed that as regards article 62, no jurisdictional link need be shown by the Philippines, yet the applicant did not show convincingly enough that its legal interests are at stake in the case.

**Principles**

- a. The main principle here is that of jurisdiction. Every aspect of jurisdiction was touched upon at some point and to some degree during the case—regarding temporal, geographic, or subject matter
- b. In general, a nation’s right to intervene according to the principles laid down in article

62 of the Statute

### **Conclusion**

The case really focuses in on article 62 of the Statute and how it is to be applied to matters of international law. Jurisdiction is shown to be in this situation, at times a tricky and complicated subject to tackle. One also observes the subtleties with which the Court must interpret and apply rules in specific cases of international law.

### **Bibliography**

*Sovereignty over Pulau Ligitun und Pulau Sipudan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I. C. J. Reports 2001, p. 575*

### **Submitted**

2001  
23 October  
General List  
No. 102