ARTICLE 93

TEXT OF ARTICLE 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

NOTE

1. During the period under review, the General Assembly, upon the favourable recommendation of the Security Council in each case, admitted the following States to membership in the United Nations in the order in which they are listed: Cameroon, Togo, Madagascar, Somalia, Congo (Democratic Republic of), Dahomey, Niger, Upper Volta, Ivory Coast, Chad, Congo (Brazzaville), Gabon, Central African Republic, Cyprus, Senegal, Mali, Nigeria, Sierra Leone, Mongolia, Mauritania, Tanganyika, Rwanda, Burundi, Jamaica, Trinidad and Tobago, Algeria, Uganda, Kuwait, Zanzibar, Kenya, Malawi, Malta, Zambia, the Gambia, Maldives Islands and Singapore. In accordance with Article 93 (1) those Members became ipso facto parties to the Statute of the International Court of Justice.

2. During the same period, no State which was not a Member of the United Nations became a party to the Statute of the Court in accordance with Article 93(2).

3. The implications of Article 93 (1) were considered by the International Court of Justice in its judgement of 21 December 1962 in the South West Africa Cases. The Court stated that the binding character of Article 37 of the Statute of the Court on the Members of the United Nations followed from Articles 92 and 93 of the Charter. As of the date of its ratification of the Charter on 7 November 1945, South Africa was therefore bound by Article 37 of the Statute of the Court to accept the compulsory jurisdiction of the Court in lieu of that of the Permanent Court of International Justice, to which it had originally agreed to submit under article 7 of the Mandate for South West Africa.

4. The obligation embodied in Article 37 of the Statute of the Court was also discussed in its judgement of 24 July 1962 in the case concerning the Barcelona Traction, Light and Power Company, Limited. The Court said:

"Consent to an obligation of compulsory jurisdiction must be regarded as given ipso facto by joining an international organization, membership of which involves such an obligation, and irrespective of the date of joining. In consequence, States joining the United Nations or otherwise becoming parties to the Statute, at whatever date, knew in advance (or must be taken to have known) that, by reason of Article 37, one of the results of doing so would, as between themselves and other parties to the Statute, be the reactivation in relation to the present Court, of any jurisdictional clauses referring to the Permanent Court, in treaties still in force, by which they were bound."