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: Saint Lucia, Saint Vincent and the Grenadines, Vanuatu, Belize, Antigua and Barbuda, Saint Christopher and Nevis, and Brunei Darussalam. In accordance with Article 93, paragraph 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, paragraph 2.

3. The implications of Article 93, paragraph 1, were implicitly considered by the International Court of Justice in its judgment of 26 November 1984 in the Nicaragua case in connection with the conditions of Article 36, paragraph 5, of the Statute of the International Court of Justice. In taking a position on the question whether a declaration which did not have binding force at the time of the Permanent Court was or was not to be numbered among those to which Article 36, paragraph 5, of the Statute applied, the Court stated that it should not be overlooked that Nicaragua had been represented at the San Francisco Conference, and had duly signed and ratified the Charter of the United Nations. Although at the time the consent which Nicaragua had given in 1929 to the jurisdiction of the Permanent Court had not become fully effective, the International Court construed the representation of Nicaragua at the San Francisco Conference, together with its signature and ratification of the Charter, as evidentiary materials of its acceptance of the Statute in which Article 36, paragraph 5, appears.

1See G A resolutions 34/1, 35/1, 36/1, 36/3, 36/26, 38/1, 39/1.

2See I.C.J. Reports 1984, p. 408, para. 35.

3See ibid. and I.C.J. Reports 1959, p. 142. See also the present Supplement under Article 92 concerning the continuity of the Court with the Permanent Court of International Justice.