



**Permanent Mission of Sweden
to the United Nations**



GRAND DUCHY OF LUXEMBOURG
Permanent Mission to the United Nations



**PERMANENT MISSION OF ROMANIA
TO THE UNITED NATIONS**

Recent Developments with Respect to Interventions by Third States in State-to-State Disputes

Thursday, October 27, 2022

6:00 p.m. - 9:00 p.m.

The lecture will be followed by a reception

**Foley Hoag LLP
1301 Avenue of the Americas
(6th Avenue) - 25th Floor
New York, NY 10019**

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Concept Note

Interventions enable third party States to defend their legal interests and/or provide clarifying insights in treaty interpretation, thereby enabling international courts and tribunals to consider issues against the backdrop of the broader interests in the dispute. For example, Articles 62 and 63 of the ICJ Rules provide two distinct channels of intervention that define the scope of the intervention and its admissibility, as well as the authority of a potential judgment on the intervening party. Article 62 provides that a State may request to intervene in a contentious case if it “consider[s] that it has an interest of a legal nature which may be affected by the decision in the case.” Article 63 grants a “right to intervene” for multilateral treaty parties, whenever that treaty’s “construction ... is in question.”

In recent months, there has been an unprecedented increase in the number of States seeking to intervene as non-parties in State-to-State contentious proceedings. Non-party intervention is particularly important in multilateral treaty frameworks given that the interpretation of a treaty by the Court will constitute authoritative precedent and can also influence decisions of other international courts and tribunals as well as the manner in which State parties to the interpreted treaty perform their treaty obligations, especially in the field of human rights and erga omnes obligations. On the other hand, interventions may also politicize proceedings and interfere with the principle of equality of parties.

With this background in mind, the lecture will address the following questions:

- What are avenues and procedure for interventions?
- What is the legal significance of interventions and what are their implications on the disputing State parties, the intervening parties, and beyond?
- What are the policy considerations that are at play in the context of interventions?

Speakers:

- [Ms. Christina G. Hioureas](#), Partner and Chair of the United Nations Practice, Foley Hoag LLP
- [Professor Lori F. Damrosch](#)
Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School
Former President of the American Society of International Law
- [Ambassador Carl Magnus Nesser](#)
Director-General for Legal Affairs and Agent of Sweden to the International Court of Justice
- [Dr. Alain Germeaux](#)
Head of Legal Department at the Ministry of Foreign and European Affairs, Luxembourg
- [Professor Bogdan Aurescu](#)
Law School, University of Bucharest, Member of the United Nations International Law Commission (tentative)