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REPORT OF THE CHAIRMAN OF THE COMMITTEE OF EXPERTS CONCERNING
THE CONDITIONS ON WHICH THE REPUBLIC OF NAURU MAY BECOME A
PARTY TO THE STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

1. At its 2753rd meeting, on 15 October 1987, the Security Council decided to refer to the Committee of Experts, for consideration and report, a letter dated 21 August 1987 to the Secretary-General from the Acting President and Minister for External Affairs of the Republic of Nauru (S/19137), in which the latter expressed the desire to know the conditions on which the Republic of Nauru could become a party to the Statute of the International Court of Justice. Under Article 93, paragraph 2, of the Charter, those conditions are to be determined by the General Assembly upon the recommendation of the Security Council.

2. The Committee met on 16 October 1987 to consider the communication from the Government of the Republic of Nauru. The Committee unanimously decided to advise the Security Council to send the following recommendation to the General Assembly:

"The Security Council recommends that the General Assembly, in accordance with Article 93, paragraph 2, of the Charter, determine the conditions on which the Republic of Nauru may become a party to the Statute of the International Court of Justice, as follows:

"The Republic of Nauru will become a party to the Statute on the date of the deposit with the Secretary-General of the United Nations of an instrument, signed on behalf of the Government of the Republic of Nauru and ratified as may be required by the constitutional law of the Republic of Nauru, containing:

"(a) Acceptance of the provisions of the Statute of the International Court of Justice;

"(b) Acceptance of all the obligations of a Member of the United Nations under Article 94 of the Charter;

"(c) An undertaking to contribute to the expenses of the Court such equitable amount as the General Assembly shall assess from time to time, after consultation with the Government of the Republic of Nauru."

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3. Under Article 93, paragraph 2, of the Charter the conditions on which a State which is not a Member of the United Nations may become a party to the Statute are to be determined in each case by the General Assembly upon the recommendation of the Security Council. Accordingly, the conditions recommended above as appropriate to the case of the Republic of Nauru are not intended to constitute a precedent to be followed either by the Security Council or by the General Assembly in any future case under Article 93, paragraph 2.
