

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this fifteenth day of June, one thousand nine hundred and fifty-four, in five copies, one of which will be placed in the archives of the Court and the others will be transmitted to the Government of the Italian Republic, the Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, respectively.

(Signed) J. G. GUERRERO,
Vice-President.

(Signed) J. LÓPEZ OLIVÁN,
Registrar.

Sir Arnold MCNAIR, President, after voting for the Judgment, made the following declaration :

I concur in the finding of the Court that it is unable to adjudicate upon the two questions submitted to it by the Application of the Italian Government, but the reasons which have led me to this conclusion are different from those stated in the Judgment of the Court. In my opinion, there is a fundamental defect in the Application and in the constitution of these proceedings. The Court is asked to adjudicate upon an Italian claim against Albania arising out of an Albanian law of January 13th, 1945. Albania is therefore an essential respondent. But these proceedings are not brought against Albania, nor does the Application name Albania as a respondent, although there is nothing in the Washington Statement which could preclude the Italian Government from making Albania a respondent. I cannot see how State A, desiring the Court to adjudicate upon its claim against State B, can validly seise the Court of that claim unless it makes State B a respondent to the proceedings—however many other States may be respondents.

Judge READ, availing himself of the right conferred on him by Article 57 of the Statute, appends to the Judgment a statement of his individual opinion.

Judge LEVI CARNEIRO, availing himself of the right conferred on him by Article 57 of the Statute, appends to the Judgment a statement of his dissenting opinion.

(Initialled) J. G. G.

(Initialled) J. L. O.