

DECLARATION BY PRESIDENT KLAESTAD

President Klaestad declares that he concurs in the Judgment subject to one reservation. The Court has held that the question whether Portugal has a right of passage is to be determined on the basis of the legal situation as it existed on the eve of the events of 1954. It seems to him that the time when the Parties filed their final Submissions (October 1959) should have been chosen for this determination. This appears to be in conformity with the written and oral presentations of both Parties as well as with their final Submissions. By limiting itself to the consideration of the legal situation as it existed in July 1954, the Judgment does not solve the whole dispute as it is presented to the Court. In any case, the relevant date for the determination of the legal situation could hardly be fixed at a date earlier than the date of the Application (22 December 1955).

(Signed) Helge KLAESTAD.
