

DECLARATION BY JUDGE KOJEVNIKOV

[*Translation*]

Judge F. I. Kojevnikov states that he can concur neither in the reasoning nor in the operative part of the Judgment on the first and second points, for he is of opinion that in this case the Court has no jurisdiction to examine and adjudicate upon the merits of the dispute.

Since the majority has found that it has jurisdiction to adjudicate upon the merits of the dispute, Judge F. I. Kojevnikov finds it necessary to state that he is likewise unable to concur in the reasoning or in the operative part of the Judgment on the third point, since, in his opinion, Portugal did not possess, and does not possess any sovereign rights over Dadra and Nagar-Aveli, and since it never had and has not now any right of passage over Indian territory to these regions and between each of them.

Consequently Judge F. I. Kojevnikov, while not being in agreement with all the reasoning, concurs in the Judgment only on the fourth point and on the fifth point, without however recognizing that Portugal has any right of passage over Indian territory in respect of private persons, civil officials and goods in general.

(*Signed*) F. I. KOJEVNIKOV.
