

## DECLARATION BY JUDGE SPIROPOULOS

[*Translation*]

To my very great regret, I differ from the Judgment on some points:

With regard to the first and second submissions of Portugal on the merits of the case, I am in agreement, in principle, with the opinion of Judges Armand-Ugon, Wellington Koo and Sir Percy Spender.

With regard to the submission of Portugal that India must end the measures by which it opposes the exercise of the right of passage, I consider that the point of view of the Government of India must be adopted for the following reasons:

It is a fact that after the departure of the Portuguese authorities, the population of the enclaves set up a new autonomous authority based upon the will of the population. Since the right of passage assumes the continuance of the administration of the enclaves by the Portuguese, the establishment of a new power in the enclaves must be regarded as having *ipso facto* put an end to the right of passage.

(Signed) J. SPIROPOULOS.