

trative acts should have been performed there in the ordinary course of affairs. However, the fact that local conditions have necessitated the normal and unchallenged exercise of Netherlands administrative activity provides an additional reason why, in the absence of clear provisions of a treaty, there is no necessity to disturb the existing state of affairs and to perpetuate a geographical anomaly.

Judge SPIROPOULOS makes the following Declaration:

The international legal status of the disputed plots seems to me to be extremely doubtful.

The facts and circumstances (decisions of the Mixed Boundary Commission, letters, etc.) at the basis of the Belgian hypothesis that the copy, which has not been produced before the Court, of the Communal Minute of 1841 attributed the disputed plots to Belgium or that the Boundary Commissioners had corrected it to that effect—which facts go back more than a century—do not, in my opinion, make it possible to conclude with sufficient certainty that the Belgian hypothesis corresponds with the facts.

On the other hand, the thesis of the Netherlands to the effect that an error crept into the Minute attached to Article 90 of the Descriptive Minute of 1843 is also merely based on a hypothesis, i.e. on the mere fact that the text of the Communal Minute of 1841 departs from the text of the Minute attached to Article 90 of the Descriptive Minute of 1843.

Faced as I am with a choice between two hypotheses which lead to opposite results with regard to the question to whom sovereignty over the disputed plots belongs, I consider that preference ought to be given to the hypothesis which seems to me to be the less speculative and that, in my view, is the hypothesis of the Netherlands. For this reason I have hesitated to concur in the Judgment of the Court.

Judges ARMAND-UGON and MORENO QUINTANA, availing themselves of the right conferred upon them by Article 57 of the Statute, append to the Judgment of the Court statements of their Dissenting Opinions.

*(Initialled)* H. K.

*(Initialled)* G.-C.