

But the Court has said in this case, without dealing with the question of its jurisdiction, that a judgment on the claims of the Republic of Cameroon "would be without object"—that is, the Court has appraised Cameroon's claims on their merits. Such an appraisal could only be made at a later stage in the proceedings (on the merits), and by such an appraisal the Court substituted for the stage of deciding on preliminary objections to jurisdiction the stage of deciding the case on its merits.

One cannot regard rules of procedure as being simply technical. They determine not only a way of proceeding but procedural rights of parties as well. Their strict observance in the International Court of Justice, one might say, is even more important than in national courts. The Court may not change them *en passant* in deciding a given case. A revision of the Rules of Court should be effected (if necessary) in an orderly manner and, in any case, the changed rules should be known to parties beforehand.

Thus the Court, in accordance with the Rules of Court, ought first to have decided whether it had—or had not—jurisdiction in this case without prejudging its future decision in this case on the merits and then, observing the Rules of Court, to have passed to a further stage of the proceedings connected with the examination of the claims of the Republic of Cameroon on their merits.

Judge JESSUP makes the following declaration:

In view of the reasoning in the Judgment of the Court, with which I entirely agree, I do not find it necessary to explain why I believe that, if it were necessary to pass upon the jurisdictional issues which have been raised, the reasoning in pages 422 to 436 of my Separate Opinion in the *South West Africa* cases (*I.C.J. Reports 1962*, p. 319) would be equally valid here.

Judges WELLINGTON KOO, Sir Percy SPENDER, Sir Gerald FITZMAURICE and MORELLI append to the Judgment of the Court statements of their Separate Opinions.

Judges BADAWI and BUSTAMANTE Y RIVERO and Judge *ad hoc* BEB A DON append to the Judgment of the Court statements of their Dissenting Opinions.

(Initialled) B. W.

(Initialled) G.-C.