

DECLARATION OF JUDGE KOROMA

I have voted in favour of the Order and it is my clear understanding that it does not prejudice the issues before the Court but rather — and in conformity with Article 41 of the Statute — is intended to preserve the respective rights of either Party, pending the decision of the Court. Article 41 empowers the Court to indicate, if it considers the circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

According to the material before the Court, including the oral arguments of the Parties, both sides have acknowledged that an incident involving the armed forces of the two States took place in the Bakassi Peninsula on 3 February 1996 and that it caused suffering and occasioned fatalities — of both military and civilian personnel — while causing others to be wounded or unaccounted for, as well as causing major material damage.

The Court, having found that it has *prima facie* jurisdiction, is not in a position to evaluate the conflicting versions of the incident that was said to have taken place on 3 February. However, based on the material before the Court, the possibility of a further military engagement resulting in irreparable damage to the rights of either Party, including further loss of human life, does, in my considered opinion, provide the Court with sufficient reason to grant the provisional order on its own accord.

It is hoped that this Order will discourage either Party from taking any measures which might cause irreparable damage to the millions of each of the Parties' nationals residing in the other's territory, help to reduce tensions between the two States and restore the fraternal relations which have always existed between the two countries, pending the decision of the Court.

Finally, I wish to stress once again that I have voted for the Order on the clear understanding that it does not prejudice the issues before the Court.

(Signed) Abdul G. KOROMA.
