

DECLARATION BY JUDGE MOROZOV

1. I have voted for the operative part of the Judgment in which the Court “finds that it is without jurisdiction to entertain the Application filed by the Government of the Hellenic Republic on 10 August 1976”.

2. I am in agreement with the conclusion of the Court that the Joint Communiqué issued in Brussels on 31 May 1975 does not furnish a basis for establishing the Court’s jurisdiction in the present proceedings in accordance with Article 36 of the Court’s Statute.

3. I could not however accept the general approach of the majority of the Court and its reasoning related to the whole of its analysis of reservation (*b*) made by the Government of the Hellenic Republic to the General Act for Pacific Settlement of International Disputes, 1928. From my point of view there is no necessity at all to go into this matter, because the decisive question is whether the Act of 1928 could be considered as a convention in force within the meaning of the provisions of Article 37 of the Statute of the Court or not.

4. My answer to this question is the following: Analysis of the text of the Act shows that by its nature and substance it was an inseparable part of the structure and machinery of the League of Nations, and after the demise of the League it became invalid as a whole.

Therefore, and in particular, Chapter II (Judicial Settlement) of the 1928 Act could not be considered as a basis for the jurisdiction of the International Court of Justice.

(Signed) Platon MOROZOV.
