

DECLARATION OF VICE-PRESIDENT WEERAMANTRY

I make this declaration having regard to the human tragedy and the acute suffering caused throughout Yugoslavia by the present conflict.

The Court has observed that its decision in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case under Article IX of the Genocide Convention or any questions relating to the admissibility of the Application or relating to the merits themselves and leaves unaffected the right of the Parties to submit arguments in respect of these questions.

The Court is thus seised of this case and continues to be so seised of it until the hearing. It is not a case where for manifest lack of jurisdiction it can be dismissed *in limine*, as was the case with the Applications against the United States and Spain. This aspect is expressly recognized in paragraph 2 of the operative part of the Order wherein it is decided that the Court reserves subsequent procedure for further decision.

Quite apart from the question of the issue of provisional measures, I therefore consider it appropriate for the Court to issue an appeal to both Parties to the effect that they should act in accordance with their obligations under the Charter of the United Nations and other rules of international law including humanitarian law, and do nothing to aggravate or extend the conflict.

This is in my view the appropriate course to be followed when a dispute involving the use of force, loss of human life and a vast amount of suffering awaits determination on the merits.

I am fortified in believing this to be the appropriate course by the observations made by the Court relating to its profound concern with the human tragedy and loss of life involved and by its reference to its own responsibilities in the maintenance of peace and security under the Charter and the Statute of the Court.

Such an appeal in my view would be well within the Court's functions and responsibilities under the Charter and the Statute as well as under its inherent jurisdiction as more fully explained by me in my dissenting opinion in *Yugoslavia v. Belgium*.

Such an appeal would in my view have more value than the mere reference to these matters in the text of the Order.

(Signed) Christopher G. WEERAMANTRY.
