

DECLARATION OF JUDGE LAUTERPACHT

I respectfully concur in operative paragraphs 1, 2 (a) and 3 of the Judgment of the Court, but regret that I am unable to vote in favour of paragraph 2 (b) in so far as it reflects (as stated in paragraph 40 of the Judgment) a decision of the Court that the conduct of the Federal Republic of Yugoslavia does not “confer upon [the Court] a jurisdiction *exceeding that which it has already acknowledged to have been conferred upon it by Article IX of the Genocide Convention*” (emphasis added). Although the point is now at the very margins of this case, I do not wish to convey any impression of acting in a manner inconsistent with what I said on the question of *forum prorogatum* in paragraphs 24-37 of my separate opinion of 13 September 1993 relating to the Further Requests for the Indication of Provisional Measures (*I.C.J. Reports 1993*, p. 325, pp. 416-442).

(Signed) Elihu LAUTERPACHT.
