

DECLARATION BY JUDGE TÜRK

I regret that the Tribunal has not taken advantage of the flexibility offered by the wording of article 98, paragraph 3, of the Rules, providing that

in the event of a doubt as to the connection between the question presented by way of counter-claim and the subject-matter of the claim of the other party the Tribunal shall, after hearing the parties, decide whether or not the question thus presented shall be joined to the original proceedings.

I have voted in favour of the admissibility of the counter-claim. In view of doubts raised as to the existence of a direct connection, it would in my opinion, however, have been a more prudent course of action to join the counter-claim to the original proceedings without prejudging the question of its admissibility at the present stage.

(signé) H. Türk