

JOINT DECLARATION  
BY JUDGES COT AND KULYK

We 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.

We are not convinced, on the basis of the written proceedings, that a direct connection exists. In our opinion, this still is an open question. We feel the Tribunal would have been well advised to join the counter-claim to the original proceedings without prejudging, at the present stage of the proceedings, the admissibility of the counter-claim.

*(signed)* J.-P. Cot  
*(signed)* M. Z. Kulyk