

## DECLARATION OF JUDGE VUKAS

I voted in favour of the Tribunal's findings contained in paragraph 96 of the Judgment since I agree with these findings with regard to their main objective - that is the release of the *Monte Confurco* and its Master.

I dissociate myself from all statements or conclusions in the Judgment which are based on the proclaimed exclusive economic zone of the Kerguelen Islands.

In my view, it is highly questionable whether the establishment of an exclusive economic zone off the shores of these "uninhabitable and uninhabited" islands (according to Captain Yves-Joseph de Kerguelen-Trémarec)<sup>1</sup> is in accordance with the reasons which motivated the Third United Nations Conference on the Law of the Sea to create that specific legal régime, and with the letter and spirit of the provisions on the exclusive economic zone, contained in the United Nations Convention on the Law of the Sea.

(Signed) Budislav Vukas

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<sup>1</sup> The Kerguelen Islands, Southern Indian Ocean <[www.btinternet.com/~sa\\_sa/kerguelen/kerguelen\\_islands.html](http://www.btinternet.com/~sa_sa/kerguelen/kerguelen_islands.html)>