

INTERNATIONAL COURT OF JUSTICE



INFORMATION SHEET

Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo
(Request for Advisory Opinion)

The advisory procedure is open to five United Nations organs and 16 agencies of the UN system. It enables them to request opinions from the Court on legal questions. On receiving a request for an advisory opinion, the Court itself draws up a list of those States and organizations that may be able to furnish relevant information. It then organizes the written and/or oral proceedings, pursuant to Articles 66 of its Statute and 105 of its Rules. Unlike judgments handed down in contentious cases between States, the Court's advisory opinions have no binding effect as such. However, the authority of the Court as the principal judicial organ of the United Nations attaches to them.

Background to the proceedings

On 8 October 2008, the General Assembly of the United Nations adopted resolution 63/3 (A/63/L.2) in which, referring to Article 65 of the Statute of the Court, it requested the Court to render an advisory opinion on the following question:

"Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

Certified true copies of the English and French texts of that resolution were transmitted to the Court under cover of a letter from the Secretary-General of the United Nations dated 9 October 2008. Subsequently, the Secretary-General submitted to the Court a dossier containing all documents likely to throw light upon the question, pursuant to Article 65, paragraph 2, of the Statute. This dossier is available on the Court's website (www.icj-cij.org).

By letters dated 10 October 2008, the Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court, pursuant to Article 66, paragraph 1, of the Statute.

By an Order of 17 October 2008, the Court decided that "the United Nations and its Member States [were] considered likely to be able to furnish information on the question submitted to the Court for an advisory opinion". It fixed 17 April 2009 as the time-limit within which written statements on the question could be presented to the Court and 17 July 2009 as the time-limit within which States and organizations that had presented written statements could submit written comments on the other written statements.

The Court also decided that "taking account of the fact that the unilateral declaration of independence by the Provisional Institutions of Self Government of Kosovo of 17 February 2008 is the subject of the question submitted . . . for an advisory opinion, the authors of the above declaration [were] considered likely to be able to furnish information on the question" and therefore decided "to invite them to make written contributions to the Court within the above time-limits".

In total, thirty-six Member States of the United Nations filed **written statements** within the time-limit fixed by the Court (in order of receipt): Czech Republic, France, Cyprus, China, Switzerland, Romania, Albania, Austria, Egypt, Germany, Slovakia, Russian Federation, Finland, Poland, Luxembourg, Libyan Arab Jamahiriya, the United Kingdom, the United States of America, Serbia, Spain, Islamic Republic of Iran, Estonia, Norway, the Netherlands, Slovenia, Latvia, Japan, Brazil, Ireland, Denmark, Argentina, Azerbaijan, Maldives, Sierra Leone, Bolivia and Venezuela.

The authors of the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo also filed a written contribution.

Fourteen States which presented written statements also submitted **written comments** on the other written statements (in order of receipt): France, Norway, Cyprus, Serbia, Argentina, Germany, the Netherlands, Albania, Slovenia, Switzerland, Bolivia, the United Kingdom, the United States of America and Spain.

The authors of the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo submitted a written contribution containing their comments on the written statements.

On 29 July 2009, the Court announced that it would hold **public hearings**, from Tuesday 1 December to Friday 11 December 2009. During these hearings oral statements were presented (in order of appearance) on behalf of: Serbia, the authors of the Unilateral Declaration of Independence, Albania, Germany, Saudi Arabia, Argentina, Austria, Azerbaijan, Belarus, Bolivia, Brazil, Bulgaria, Burundi, China, Cyprus, Croatia, Denmark, Spain, the United States of America, the Russian Federation, Finland, France, Jordan, Norway, the Netherlands, Romania, the United Kingdom, Venezuela and Viet Nam.

On 15 July 2010, the Court announced Thursday 22 July 2010 as the date for the **reading of the Advisory Opinion**.

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