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17 January 2003

His Excellency Mr Philippe Couvreur  
Registrar  
International Court of Justice  
Peace Palace  
2517 KJ The Hague  
The Netherlands

From the Legal Advisor

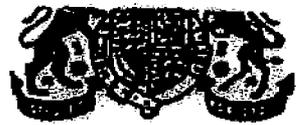
Sir,

I have the honour to refer to the case concerning *Legality of Use of Force (Yugoslavia v United Kingdom)* and to your letter of 30 December 2002, transmitting the Federal Republic of Yugoslavia's written statement of its observations and submissions on the United Kingdom's Preliminary Objections.

In the particular and somewhat unusual circumstances of this case, the United Kingdom wishes to make the following observations on the Federal Republic of Yugoslavia's written statement dated 18 December 2002.

(i) The United Kingdom regards point (a) in the written statement as amounting to acceptance of the first submission in the United Kingdom's Preliminary Objections of June 2000, ie that the Federal Republic of Yugoslavia was not qualified to bring these proceedings, because it was not a party to the Statute of the Court, nor otherwise entitled to institute proceedings before the Court. The Court accordingly lacked jurisdiction *ratione personae*, as explained in detail in Part 3 of the United Kingdom's Preliminary Objections. It is clear from its written statement that the Federal Republic of Yugoslavia does not seek to argue (nor could it) that this defect has been remedied by the subsequent admission of the Federal Republic of Yugoslavia to the United Nations. This point is sufficient to dispose of the whole case, whether jurisdiction was claimed originally upon the Optional Clause, or upon the Genocide Convention, or upon any other title.

(ii) As for point (b) in the written statement, it is now clear that the Federal Republic of Yugoslavia no longer seeks to rely upon Article IX of the Genocide Convention as a title of jurisdiction. For its part, the United Kingdom maintains that there could in any event be no jurisdiction based on Article IX since the application does not raise a dispute relating to the interpretation, application or fulfilment of the Convention. This issue was considered in detail in Part 5 of the United Kingdom's Preliminary Objections.



(iii) Whatever the position might be in other proceedings, it is clear that in the proceedings against the United Kingdom (and indeed the seven other NATO Members), the Federal Republic of Yugoslavia no longer contends that the Court has jurisdiction under any of the instruments on which it has hitherto sought to found jurisdiction. Nor does the Federal Republic of Yugoslavia seek to advance any alternative basis for the jurisdiction of the Court. On the contrary, the effect of the written statement is that the Federal Republic of Yugoslavia concedes that the Court has no jurisdiction in the present case.

Therefore, for the reasons advanced in its Preliminary Objections and in the present letter, and having regard to the written statement of the Federal Republic of Yugoslavia dated 18 December 2002, the United Kingdom requests the Court to adjudge and declare that it lacks jurisdiction over the claims brought against the United Kingdom by the Federal Republic of Yugoslavia and/or that those claims are inadmissible. In the alternative, if the Court concludes that, by its written statement of 18 December 2002, the Federal Republic of Yugoslavia has effectively informed the Court that it is not going on with the proceedings (article 89 of the Rules of Court), the United Kingdom hereby states that it has no objection to the discontinuance of the proceedings.

Accept, Sir, the assurances of my highest consideration.

*Yours faithfully,*

*M. C. Wood*

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MC Wood  
(Agent of the Government of the United Kingdom of  
Great Britain and Northern Ireland)