

Letter to the Registrar dated 17 April 2009 from the Libyan Ambassador to Belgium

[Translation]

In reference to your letter dated 10 October 2008 concerning the request for an advisory opinion on the proclamation of the secession of the Province of Kosovo from the Republic of Serbia, I have the honour to transmit herewith the response of the Great Socialist People's Libyan Arab Jamahiriya.

**Note concerning the proclamation by the Province of Kosovo
of its secession from the Republic of Serbia**

We hereby refer to the question of the proclamation of the secession of the Province of Kosovo from the Republic of Serbia and the decision of the United Nations General Assembly to submit the question to the Court (pursuant to Article 96 of the Charter of the United Nations) in order for it to give an advisory opinion on the legality of the proclamation and its compatibility with international law.

In assessing the question from a legal perspective, we wish to emphasize the following points:

- (1) the proclamation of the independence of the Province of Kosovo unilaterally by its institutions of self-government is a violation of international law;
- (2) the commitment to the principle of the territorial integrity of the Republic of Serbia is in keeping with international law, which gives absolute sovereignty to States over their regions;
- (3) the proclamation of the independence of the Province of Kosovo is regarded as a violation of Security Council resolution 1244 (1999), which clearly stipulates the maintenance of the territory of the Republic of Serbia under its sovereignty;
- (4) Security Council resolution 1244 (1999) gives the province substantial autonomy under the sovereignty of Serbia;
- (5) the independence of the Province of Kosovo was proclaimed before negotiations had been completed with Serbia on self-determination, and therefore has no legal justification;
- (6) the Province of Kosovo is regarded as a part of Serbian territory, even though it is outside the effective control of the Republic of Serbia.

For these reasons, the proclamation by the Province of Kosovo of its secession from the Republic of Serbia is incompatible with international law.

Department of International
Law and Treaty Matters.
