



LATVIJAS REPUBLIKAS VĒSTNIECĪBA NĪDERLANDĒ
AMBASSADE VAN LETLAND IN NEDERLAND

No. 2.3.4/125

The Embassy of the Republic of Latvia presents its compliments to the Registry of the International Court of Justice and has the honour to submit the copy of the Letter of H.E. Mr. Maris Riekstins, Minister of Foreign Affairs of the Republic of Latvia, with the written statements of Latvia in reply to the question submitted to the Court for an advisory opinion "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

Due to unforeseen technical problems the diplomatic post to The Hague has been delayed and the Embassy is unable to present the original documents that will be duly submitted to the Court within the shortest possible time.

The Embassy of the Republic of Latvia avails itself of this opportunity to renew to the Registry of the International Court of Justice the assurances of its highest consideration.

The Hague, 17 April 2009



Enclosure: above-mentioned document.

To the Registry of the International Court of Justice
The Hague



MINISTER OF FOREIGN AFFAIRS
REPUBLIC OF LATVIA

Mr. Philippe Couvreur
Registrar
International Court of Justice
Peace Palace
2517 KJ The Hague

Riga, April 17, 2009

Dear Mr. Philippe Couvreur,

In its order dated October 17, 2008 the International Court of Justice invited States members of the United Nations Organization to submit written statements to furnish information on the question submitted to the Court for an advisory opinion, namely, „Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?”

Referring to your communication No. 133310 dated October 20, 2008, Latvia, being the member state of the United Nations Organization, hereby submits its written statement on the abovementioned question.

Enclosure -2, pages.

Yours Sincerely,

Māris Riekstiņš

A handwritten signature in black ink, appearing to be 'Māris Riekstiņš', written over the printed name.

International Court of Justice

**ACCORDANCE WITH INTERNATIONAL LAW OF THE
UNILATERAL DECLARATION OF INDEPENDENCE BY THE
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT OF KOSOVO**

(Request for an Advisory Opinion)

**Written Statement by
The Republic of Latvia**

April 2009

In its order dated October 17, 2008 the International Court of Justice invited Member States of the United Nations Organization to submit written statements to furnish information on the question submitted to the Court for an advisory opinion, namely, „Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?”

Latvia hereby submits its written statement on the abovementioned question.

It has to be underlined that the criteria under which Latvia deems Kosovo's declaration of independence to be in accordance with the International Law are cumulative.

1. In International Law there is a recognized right of self-determination. Furthermore, no rule of International Law prohibits the issuing of declaration of independence as an outcome of the fulfillment of the right of self-determination.
2. Breach of Human rights and international crime have lead to the establishment of the International Criminal Tribunal for the former Yugoslavia and other factors obstructing the right of self-determination have lead the United Nations Security Council to act under Chapter VII of the Charter of the United Nations by adopting Resolution 1244 (1999).
3. Resolution 1244 (1999) authorized international civil and security presence in Kosovo. International community through International Organizations acting pursuant to the Resolution has controlled the situation and created the normative basis for a state of rule of law and a state that respects human rights.
4. Resolution 1244 (1999) did not prohibit the declaration of independence by Kosovo as the outcome of the process towards the future status of Kosovo.
5. The status of Kosovo is an outcome of long years of actions and multilateral negotiations authorized by the United Nations Security

*Enclosure to the letter of the Minister of Foreign Affairs of the Republic of Latvia to
the Registrar of the ICJ No.21/259-2647 dated 16 April 2009*

- Council and carried out by the United Nations, other international organizations and states.
6. The implementation of Resolution 1244 (1999) and long multilateral negotiations in different contexts and international organizations, including the United Nations, have not lead to any other outcome for the status of Kosovo.
 7. Also the status process conducted by UN Special Envoy Ahtisaari had been exhausted before Kosovo declared its independence. In his report Ahtisaari stated: "I have come to the conclusion that the only viable option for Kosovo is independence." In a letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council The Secretary-General of the United Nations specifically said: "Having taken into account the developments in the process designed to determine Kosovo's future status, I fully support both the recommendation made by my Special Envoy in his report on Kosovo's future status and the Comprehensive Proposal for the Kosovo Status Settlement."
 8. The declaration of independence of Kosovo embraces a determination not to further accede to any other independent state but to remain as an independent state itself. This is another important criteria that affirms the *sui generis* character of the declaration of independence of Kosovo. Thus Kosovo by issuing the declaration of independence has acted in accordance with international law and has put into practice the right of self-determination. Since the declaration of independence Kosovo continues to form itself as an independent state of rule of law and human rights.

All these criteria being cumulatively fulfilled, the declaration of independence by the Provisional Institutions of Self-Government of Kosovo is in accordance with international law.