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October 9, 2008

Speech by Serbian Foreign Minister Vuk Jeremic at the UN General Assembly

Mr. President, Distinguished Representatives,

It is my honor and pleasure to introduce the resolution proposed by the Republic of Serbia, contained in document A/63/L.2. My presence here today as Foreign Minister of the Republic of Serbia signifies the importance that my country assigns to this issue.

On February 17th, 2008, the Provisional Institutions of Self-Government of Serbia's southern province of Kosovo and Metohija unilaterally declared independence.

Our democracy responded with maximal restraint. We ruled out the use of force and the imposition of economic sanctions against the breakaway province. Serbia decided to defend its sovereignty and territorial integrity through diplomacy and international law.

We have chosen to seek an advisory opinion from the International Court of Justice on the legality of UDI. Today we are turning to the General Assembly to convey this request to the Court, in fulfillment of its powers and functions under the UN Charter.

This non-confrontational approach is highly principled and legitimate. It will serve to reduce tensions in the region and facilitate our efforts at reconciliation.

Mr. President,

The Republic of Serbia believes that sending this question to the ICJ would prevent the Kosovo crisis from serving as a deeply problematic precedent in any part of the globe where secessionist ambitions are harbored.

We also believe that the ICJ advisory opinion would provide politically neutral, yet judicially authoritative guidance, to many countries still deliberating on how to approach UDI in line with international law.

Lastly, we believe that recourse to the Court would strengthen the rule of law in international relations, and make the proposed course of action a symbol of the world community's resolve to take the UN Charter as its guide.



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Mr. President,

Supporting this resolution would also serve to reaffirm a fundamental principle: the right of any member State of the United Nations to pose a simple, basic question—to a matter it considers vitally important—to the international court.

To vote against would be in effect a vote to deny the right of any country—now or in the future—to seek judicial recourse through the UN system.

To vote against would also mean accepting that nothing could be done when secessionists in whichever part of the globe assert the uniqueness of their cause, and claim exception to the universal scope of the international legal order.

Mr. President,

My country would like to thank those that, although not currently persuaded of the utility of the proposal, have decided to engage themselves in this question, acknowledging that our resolution addresses important issues of international law.

All member States have on numerous occasions confirmed their confidence in the ICJ as the principal judicial organ of the United Nations. We must therefore have full confidence that the Court will perform its duty in an exemplary fashion without any special directives.

The question posed is amply clear and refrains from taking political positions on the Kosovo issue. The answer to come, in the form of an advisory opinion, will be based on international law, in accordance with the ICJ's Statute and Rules of Procedure. Article 66 of the Statute gives a clear indication of the procedures utilized by the Court. No additional instructions by the General Assembly are appropriate.

We believe that the draft resolution *in its present form* is entirely non-controversial. It represents the lowest common denominator of the positions of the member States on this question, and hence there is no need for any changes or additions.

Let us adopt it and allow the Court to act freely and impartially within the framework of its competencies. We are confident that the ICJ will know what to do, and that it will take into account the opinions of all interested member States and international organizations.

We hold that the most prudent way to proceed today is to adopt our resolution without opposition, as was the decision on the inclusion of this item in the agenda at the General Committee.



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Mr. President,

The steadfast pursuit of this peaceful course of action by the Republic of Serbia is a demonstration of our firm commitment to the international system we all have helped to build.

History has placed the problem of Kosovo's UDI before us all. The choice of whether to act through law is upon us.

By acting concertedly in support of our resolution, we will have come together to help in restoring the sacrosanct character of the UN Charter—the document that binds us to one another as a world community of sovereign equals.

And by taking charge of the present moment, we will have begun to further enhance the enduring benefit and honor of the founding principles of the United Nations.