



Advisory Opinion: Accordance with International Law of the Unilateral Declaration of Independence In Respect of Kosovo (Islamic Republic of Iran, Ireland, Kosovo, Serbia)

ARGUED: 18 November 2018

DECIDED: 19 November 2018

1 This opinion concurring in part with the Majority opinion was signed and agreed to by Justice Hickey,
2 Justice Cianek, and Justice Schutt. We concur with the Majority's opinion on the legality of the declaration while
3 possessing reservations with their explanation of their reasoning.

4 We agree that The Court was asked to deliver an advisory opinion on the question, *Is the unilateral declaration*
5 *of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?*
6 set forth by the United Nations General Assembly in A/RES/63/3.

7 Furthermore, we concur with the Majority opinion that the Court has jurisdiction in this case, and that
8 the question posed before the Court is a legal one. However, we believe that the Court has adopted a broader
9 interpretation of said question posed before the Court than necessary.

10 Concerned only with the question as to whether the declaration of independence by the Provisional Insti-
11 tutions of Self-Government in Kosovo is in accordance with international law, we must concur that it is. We can
12 find no explicit reference whatsoever to any existing prohibition on declarations of independence within any body of
13 international law. *Ipsa facto*, the declaration itself is legal.

14 However, we believe that the Court has erred in further considering the question as to whether the cited
15 declaration should grant Kosovo the right to self-determination. Such questions are political in nature rather than
16 legal. States must be allowed to determine which other states they recognize as sovereign, and this Court debases
17 itself by making political recommendations rather than legal determinations. Whether states should choose to
18 recognize Kosovos legal declaration of independence is a matter outside of the bounds of the advisory opinion we
19 were asked to provide. While we abstain from adopting the reasoning of the Majority opinion, we do concur with
20 their determination as to the legality of the public declaration of independence.

Signed By

Justice Tessa Schutt

Justice Rob Hickey

Justice Josh Cianek