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#### A The Request for an Advisory Opinion

1. Does the Court have jurisdiction to render this Advisory Opinion?
   - a. General Remark
   - b. Objection: The General Assembly is not at all involved in the case of Kosovo’s independence and therefore cannot be regarded as having standing to request the Advisory Opinion concerned
   - c. Objection: The Security Council is seized with the question of Kosovo’s independence; therefore, the General Assembly is precluded from dealing with this issue
   - d. Objection: The unilateral declaration of Kosovo’s independence gave rise to a dispute between Serbia, the institutions of Kosovo and the States which have recognised Kosovo’s independence; since the settlement of an international dispute is a matter for the contentious jurisdiction of the Court the conditions for which are not fulfilled in the present case, the request for an Advisory Opinion constitutes an attempt to circumvent the contentious proceedings
   - e. Objection: The Court does not have comprehensive information on the facts relating to Kosovo’s Declaration of Independence and thus lacks the necessary basis for rendering the Advisory Opinion concerned
   - f. Objection: Kosovo’s Declaration of Independence is a political issue and does not therefore constitute a legal question

2. In view of the Court’s discretion to render or deny an Advisory Opinion, would it be proper for the Court to render the opinion in question?

3. The Legality of Kosovo’s Unilateral Declaration of Independence
   - a. General Remark
   - b. Argument: There is no rule of international law permitting unilateral secession
   - c. Argument: Without such a permissive rule, unilateral secession must be considered illegal, because it does not take place in a “neutral zone” where rights of other States are not negatively affected; unilateral secession per definitionem negatively affects the rights of the State which is the victim of such secession
   - d. Argument: Since the rights of the State which is the victim of unilateral secession are negatively affected, the traditional rule of international law according to which everything that is not forbidden is allowed cannot apply
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- **e** Argument: The traditional rule of international law according to which everything that is not forbidden is allowed is a consequence of the sovereignty of independent States; since the Kosovo, when unilaterally declaring its independence, was not a State, it could avail itself of the said rule in order to justify its action........ 166
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