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January 14, 2003

His Excellency Philippe Couvreur
Registrar
International Court of Justice
The Peace Palace
Carnegieplein 2
2517 KJ The Hague
The Netherlands

Sir,

I have the honour to refer to your letter of 30 December 2002, transmitting the written observations of the Federal Republic of Yugoslavia, dated 18 December 2002 regarding the Preliminary Objections made by Canada in the *Case Concerning the Legality of the Use of Force (Yugoslavia v. Canada)*.

In the view of Canada, the written observations submitted by the Applicant constitute a formal acknowledgement that the Court lacks jurisdiction over the proceedings brought by the Applicant against Canada and that the claims brought against Canada in these proceedings are inadmissible.

In particular, the Applicant concedes that it was not a Member of the United Nations and not party to the Statute of the ICJ when the dispute arose in late March 1999. As explained in Chapter I of Canada's Preliminary Objections, the Applicant is therefore not eligible to initiate an action and its purported declaration of 25 April 1999 pursuant to Article 36, paragraph 2, of the Statute is a nullity.

Canada takes this opportunity to recall the reasons set out in Chapter II of its Preliminary Objections on why the Court lacks jurisdiction pursuant to the Convention. While these reasons differ from those set out in the Applicant's written observations, it is sufficient for present purposes that the Applicant no longer relies on Article IX of the Genocide Convention as a basis of jurisdiction. Jurisdiction cannot therefore be founded upon that Convention in this case.

For the reasons advanced in Canada's Preliminary Objections and in light of the written observations submitted by the Applicant, Canada respectfully requests that the Court adjudge and declare that it lacks jurisdiction over the proceedings brought by the Applicant against Canada on 29 April 1999, and that the claims brought against Canada in these proceedings are inadmissible.

Accept, Sir, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Philippe Kirsch', written over a large, stylized, handwritten letter 'V'.

Philippe Kirsch, Q.C.
Agent for Canada