



GC

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## COMMUNICATION OF 15 SEPTEMBER 1995 RECEIVED FROM THE PERMANENT MISSION OF CROATIA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

1. On 18 September 1995, the Director General received a letter dated 15 September 1995 from the Permanent Mission of Croatia concerning references to "Yugoslavia" as a Member of the Agency.
2. As requested by the Permanent Mission of Croatia, the text of the letter is being circulated as an official document for the thirty-ninth regular session of the General Conference.

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"I have the honour to draw your attention to the International Atomic Energy Agency documents INFCIRC/2/Rev.46 dated 11 September 1995, the Note by the Secretariat on the Financial Situation of the Agency dated 8 September 1995 and GC(39)/5 - the Agency Accounts for 1994.

"The document INFCIRC/2/Rev.46 refers to "Yugoslavia" as a member of the Agency on 1 September 1995. The Republic of Croatia strongly objects to the inclusion of the name "Yugoslavia" in the list of the members of the Agency.

"In this connection, I want to recall the relevant resolutions of the Security Council, the United Nations General Assembly and the General Conference of the International Atomic Energy Agency concerning this issue. The Security Council resolution 777 (1992) notes that "the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist" and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". The United Nations General Assembly agreed with the Security Council recommendation in its resolution A/47/1 of 22 September 1992. The General Conference of the International Atomic Energy Agency recalled and reaffirmed the United Nations General Assembly resolution at its thirty-sixth regular session in September 1992.

"I would also like to draw your attention to the Opinions of the Arbitration Commission of the Conference on the Former Yugoslavia, particularly Opinions No. 8, 9 and 10 of 4 July 1992. The Arbitration Commission has concluded that "the process of dissolution of the Socialist Federal Republic of Yugoslavia... is now complete and the Socialist Federal Republic of Yugoslavia no longer exists" (Opinion No. 8), and that "the successor states to the Socialist Federal Republic of Yugoslavia must together settle all aspects of the succession by agreement... and that none of the successor states may thereupon claim for itself alone the membership rights previously enjoyed by the former Socialist Federal Republic of Yugoslavia" (Opinion No. 9). According to the Opinion No. 10, since there was no agreement among the successor states of the Socialist Federal Republic of Yugoslavia as to the succession of the rights and obligations of the Socialist Federal Republic of Yugoslavia, general rules of the international law dealing with succession of states with respect to treaties, possessions, debts and archives should be applied.

"Accordingly, the Republic of Croatia cannot accept any financial arrangements, provisional or not, regarding the former Socialist Federal Republic of Yugoslavia, including the outstanding contributions owed by the former Socialist Federal Republic of Yugoslavia to the Agency, until the succession process has been completed within the framework of the Conference on the Former Yugoslavia. Therefore, I would appreciate if the appropriate corrections could be made in the statements referring to the payments from Croatia in the Note by the Secretariat on the Financial Situation of the Agency and the Agency's Accounts for 1994.

"The Permanent Mission of the Republic of Croatia kindly requests that this communication is circulated as an official document for the forthcoming regular session of the General Conference."