

GC

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International Atomic Energy Agency

GENERAL CONFERENCE

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Forty-first regular session

**COMMUNICATION OF 15 SEPTEMBER 1997 RECEIVED FROM
THE RESIDENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA,
CROATIA, THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,
AND SLOVENIA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY**

1. On 23 September 1997, the Director General received a letter dated 15 September 1997 from the Resident Representatives of Bosnia and Herzegovina, Croatia, The Former Yugoslav Republic of Macedonia, and Slovenia concerning references to "Yugoslavia" as a Member State of the Agency.
2. As requested, the text of the letter is being circulated as an official document for the forty-first regular session of the General Conference.

PERMANENT MISSION OF BOSNIA AND HERZEGOVINA
PERMANENT MISSION OF THE REPUBLIC OF CROATIA
PERMANENT MISSION OF THE REPUBLIC OF MACEDONIA
PERMANENT MISSION OF THE REPUBLIC OF SLOVENIA

15 September 1997

Excellency,

We have the honour to refer to the International Atomic Energy Agency Annual Report for 1996 (Document GC(41)/8), as well as to the Technical Co-operation Report for 1996 (Document GC(41)/INF/4, Supplement).

On the first page of the Annual report for 1996, the list of member states of the International Atomic Energy Agency includes also "Yugoslavia" as a member state.

On page 66 of the Annual Report for 1996, in Annex that shows the situation on 31 December 1996 with respect to the conclusion of safeguards agreements between the Agency and non-nuclear weapon States in connection with NPT, Federal Republic of Yugoslavia (Serbia and Montenegro) is listed among states which have signed, ratified, acceded to or succeeded to NPT, with date of ratification, accession or succession on 3 March 1970.

On page 10 and 28 of the Technical Co-operation Report for 1996, in the Supplement, "Yugoslavia" is listed as a member state of the Agency.

Our governments would like to emphasise that the above-mentioned data in those documents are not acceptable. With regard to this issue, once again, we would like to recall the relevant resolutions, the United Nations Security Council resolution 777(1992) and the General Assembly resolution A/47/1 of 1992, stating that the State formerly known as the Socialist Federal Republic of Yugoslavia (SFRY) has ceased to exist, that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former SFRY in the United Nations and require that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations.

H. E. Dr. Hans Blix
Director General
International Atomic Energy Agency
V I E N N A

International Atomic Energy Agency General Conference resolution GC(XXXVI)/576 of 1992 decided along the same lines.

We would also like to recall that the (Badinter) Arbitration Commission of the Conference on the Former Yugoslavia found in its legal opinion No. 8 (1992), that the process of dissolution of the SFRY has completed and that SFRY no longer existed.

In legal opinion No.9 (1992) it found that the successor states to the SFRY must together settle all aspects of the succession by agreement drawing on the principles embodied in the 1978 and 1983 Vienna Conventions and general international law, taking full account of the principle of equality of rights and duties between states in respect of international law.

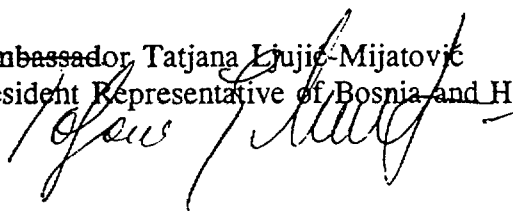
Furthermore, the SFRY's membership in international organizations must be terminated according to their statutes and none of the successor states may thereupon claim for itself alone the membership rights previously enjoyed by the former SFRY.

And lastly, legal opinion No. 10(1992) it found, since there was no agreement among the successor states of the SFRY as to the succession of the rights and obligations of the SFRY, general rules of the international law dealing with succession of states with respect to treaties, possessions, debts and archives should be applied.

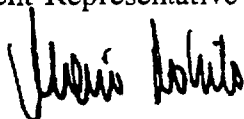
Therefore, in accordance with the aforementioned facts and argumentation, we would kindly request Your Excellency to circulate appropriate correction of the documents GC(41)/8 and GC(41)/INF/4 (Supplement) and to distribute this letter as an official document for the forthcoming forty-first session of the General Conference.

Accept, Excellency, the assurances of our highest consideration.

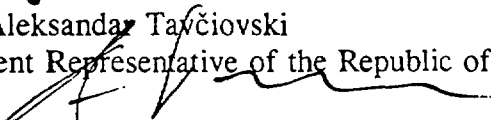
Ambassador, Tatjana Lujic-Mijatovic
Resident Representative of Bosnia and Herzegovina



Ambassador Dr. Mario Nobilo
Resident Representative of the Republic of Croatia



Mr. Aleksandar Tavčiovski
Resident Representative of the Republic of Macedonia



Ambassador Dr. Katja Boh
Resident Representative of the Republic of Slovenia

