

REPUBLIC OF SERBIA

CRC

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Note

The former Yugoslavia had signed and ratified the Convention on 26 January 1990 and 3 January 1991, respectively, with the following reservation:

Reservation:

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

See also notes 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].* [Ed. note: see note 48 below for "Historical Information" section on "Yugoslavia" and "former Yugoslavia".]

(Note 3, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)

Note

On 28 January 1997, the Government of Yugoslavia informed the Secretary-General that it had decided to withdraw the reservation made by Yugoslavia upon ratification of the Convention which reads as follows:

Reservation:

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."

In this regard, the Secretary-General received on 28 May 1997, from the Government of Slovenia, the following communication:

"[The Government of Slovenia] would like to express its disagreement with the content of the [notification by the depositary concerning the withdrawal of the reservation]. The State which in 1991 notified its ratification of the [said Convention] and made the reservation was the former Socialist Federal Republic of Yugoslavia (SFRY) but the State which on 28 January 1997 notified the withdrawal of its reservation was the Federal Republic of Yugoslavia (FRY). In that connection the [Government of Slovenia] would like to draw attention to the resolutions of the Security Council (757, 777) and the General Assembly (47-1), all from 1992, which stated that 'the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist' and to the opinion of the Arbitration Commission of the UN-EC Conference on the former Yugoslavia that 'the Federal Republic of Yugoslavia (Serbia and Montenegro) is a new State which cannot be considered the sole successor to the SFRY.'

The [said] notification is therefore incorrect and misleading since it is erroneously suggesting that the State which would like to withdraw the reservation is the same person under international law as the State which made the reservation. It is believed that the Secretary-General should be precise in making references to States Parties to international agreements in respect of which he performs depositary functions. Therefore it is the opinion of the Government of the Republic of Slovenia that the withdrawal of the reservation made by the Government of the FRY cannot be considered valid, since it was made by a State that did not make the reservation. The Federal Republic of Yugoslavia should, as one of the successor States of the former SFRY, notify its succession if it wishes to be considered a Party to the Convention."

Subsequently, on 3 and 4 June and 10 October 1997, respectively, the Secretary-General received from the Governments of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, communications, identical in essence, mutatis mutandis, as the one made by Slovenia. *[Ed. note: see above]*

On 12 March 2001, the Government of Yugoslavia notified the Secretary-General of its intent to succeed to the Convention and confirmed the withdrawal of the reservation made by the former Yugoslavia made upon ratification. See also notes 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia", "The Former Yugoslav Republic of Macedonia" and "Yugoslavia" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]* *[Ed. note: see immediately below]*. *(Note 48, Chapter IV.11, Multilateral Treaties Deposited with the Secretary-General)*

[Ed. note: Note 1, "Historical Information" regarding Yugoslavia is as follows:

Yugoslavia

Note 1

By a notification dated 8 March 2001, received by the Secretary-General on 12 March 2001, the Government of the Federal Republic of Yugoslavia lodged an instrument, inter alia, advising its intent to succeed to various multilateral treaties deposited with the Secretary-General, and confirming certain actions relating to such treaties. The notification stated the following:

“[T]he Government of the Federal Republic of Yugoslavia, having considered the treaties listed in the attached annex 1, succeeds to the same and undertakes faithfully to perform and carry out the stipulations therein contained as from April 27, 1992, the date upon which the Federal Republic of Yugoslavia assumed responsibility for its international relations [Ed. note *[from the Editor of the electronic version of the Multilateral Treaties Deposited with the Secretary-General]*: Annex 1 attached to the notification contains a list of treaties to which the Socialist Federal Republic of Yugoslavia was a signatory or party],

...[T]he Government of the Federal Republic of Yugoslavia maintains the signatures, reservations, declarations and objections made by the Socialist Federal Republic of Yugoslavia to the treaties listed in the attached annex 1, prior to the date on which the Federal Republic of Yugoslavia assumed responsibility for its international relations.

...[T]he Government of the Federal Republic of Yugoslavia confirms those treaty actions and declarations made by the Federal Republic of Yugoslavia which are listed in the attached annex 2. [Ed. note *[from the Editor of the electronic version of the Multilateral Treaties Deposited with the Secretary-General]*: Annex 2 attached to the notification contains a list of certain treaty actions undertaken by the Federal Republic of Yugoslavia between 27 April 1992 and 1 November 2000.]”

Entries in status tables relating to treaty actions undertaken by Yugoslavia between the date of the dissolution of the former Yugoslavia and the date of admission of Yugoslavia to membership in the United Nations, which were not dependent on prior treaty actions by the former Yugoslavia or other conditions, have been maintained against the designation "Yugoslavia".

See also “Serbia and Montenegro” and “former Yugoslavia” in this section.[*Ed. note: see below*]

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]*.

...

[*Ed. note: Note 1, “Historical Information” regarding Serbia and Montenegro is as follows:*

Note 1.

As from 4 February 2003 until 2 June 2006. Formerly: "Yugoslavia" until 3 February 2003.

See also "Montenegro", "Serbia" and "Yugoslavia". [Ed. Note: see below].]

[*Ed. note: Note 1, “Historical Information” regarding Serbia is as follows:*

Note 1.

As from 3 June 2006: "Serbia". Formerly: "Serbia and Montenegro" until 2 June 2006.

By a letter dated 3 June 2006, which was circulated on 6 June 2006, the President of the Republic of Serbia notified the Secretary-General that "membership of the state union of Serbia and Montenegro is continued by the Republic of Serbia in the United Nations, including all organs and organisations of the United Nations system...".

Subsequently, in a letter dated 16 June 2006, which was circulated on 22 June 2006, the Minister for Foreign Affairs of the Republic of Serbia informed the Secretary-General of the following:

"... The Republic of Serbia continues to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro.

Therefore, the Ministry of Foreign Affairs requests that the Republic of Serbia be considered a party to all international agreements in force, instead of Serbia and Montenegro.

Furthermore, the Government of the Republic of Serbia will perform the functions formerly performed by the Council of Ministers of the state union of Serbia and Montenegro as depositary for the corresponding multilateral treaties."

Moreover, in a letter dated 30 June 2006, which was circulated on 3 July 2006, the Minister for Foreign Affairs of the Republic of Serbia confirmed the following:

"... All treaty actions undertaken by Serbia and Montenegro will continue in force with respect to the Republic of Serbia with effect from 3 June 2006. Therefore, all declarations, reservations and notifications made by Serbia and Montenegro will be maintained by the Republic of Serbia until the Secretary-General, as depositary, is duly notified otherwise."

See also "Serbia and Montenegro". [Ed. Note: see above].]

[Ed. note: Note 1, "Historical Information" regarding former Yugoslavia is as follows:

former Yugoslavia

Note 1

The former Yugoslavia was an original Member of the United Nations, the Charter having been signed and ratified on its behalf on 26 June 1945, and 19 October 1945, respectively. The following republics constituting the former Yugoslavia declared their independence on the dates indicated: Slovenia (25 June 1991), The former Yugoslav Republic of Macedonia (17 September 1991), Croatia (8 October 1991), and Bosnia and Herzegovina (6 March 1992). Yugoslavia came into being on 27 April 1992 following the promulgation of the constitution of the Federal Republic of Yugoslavia on that day. Yugoslavia nevertheless advised the Secretary-General on 27 April 1992 that it claimed to continue the international legal personality of the former Yugoslavia. Yugoslavia accordingly claimed to be a member of those international organizations of which the former Yugoslavia had been a member. It also claimed that all those treaty acts that had been performed by the former Yugoslavia were directly attributable to it, as being the same State (See documents S/23877 and A/46/915).

[Ed. note: document S/23877 is as follows:

Security Council

*Distr.
GENERAL*

*S/23877
5 May 1992*

ORIGINAL: ENGLISH

*LETTER DATED 27 APRIL 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE
PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL*

I have the honour to transmit, enclosed herewith, the Declaration adopted on 27 April 1992 at the joint session of the Assembly of the SFR of Yugoslavia, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro.

I should be grateful if you would have this letter and the Declaration thereto circulated as a document of the Security Council.

*(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.*

Annex

Declaration

the representatives of the people of the Republic of Serbia and the Republic of Montenegro

Expressing the will of the citizens of their respective Republics to stay in the common State of Yugoslavia,

Accepting all basic principles of the Charter of the United Nations and the CSCE Helsinki Final Act and the Paris Charter, and particularly the principles of parliamentary democracy, market economy and respect for human rights and the rights of national minorities,

Remaining strictly committed to a peaceful resolution of the Yugoslav crisis, wish to state in this Declaration their views on the basic, immediate and lasting objectives of the policy of their common State, and on its relations with the former Yugoslav Republics.

In that regard, the representatives of the people of the Republic of Serbia and the Republic of Montenegro declare:

1. *The Federal Republic of Yugoslavia, continuing the state, international legal and political personality of the Socialist Federal Republic of Yugoslavia, shall strictly abide by all the commitments that the SFR of Yugoslavia assumed internationally,*

At the same time, it is ready to fully respect the rights and interests of the Yugoslav Republics which declared independence. The recognition of the newly formed states will follow after all the outstanding questions negotiated on within the Conference on Yugoslavia have been settled,

Remaining bound by all obligations to international organizations and institutions whose member it is, the Federal Republic of Yugoslavia shall not obstruct the newly formed states to join these organizations and institutions, particularly the United Nations and its specialized agencies. The Federal Republic of Yugoslavia shall respect and fulfil the rights and obligations the SFR of Yugoslavia assumed vis-à-vis the territories of Krajina which have been placed, within the framework of the United Nations peace-keeping operation, under the protection of the world Organization.

The Federal Republic of Yugoslavia also remains ready to negotiate, within the Conference on Yugoslavia, all problems related to the division of assets, which means both to assets and debts acquired jointly. In case of a dispute regarding these issues, the Federal Republic of Yugoslavia shall be ready to accept the arbitration of the Permanent Court of Arbitration in the Hague.

2. *The diplomatic and consular missions of the Federal Republic of Yugoslavia abroad shall continue without interruption to perform their functions of representing and protecting the interests of Yugoslavia. Until further notice, they shall continue to take care of all the assets of Yugoslavia abroad.*

They shall also extend consular protection to all nationals of the SFR of Yugoslavia whenever they request them to do so until a final regulation of their nationality status.

The Federal Republic of Yugoslavia recognizes, at the same time, the full continuity of the representation of foreign States by their diplomatic and consular missions in its territory.

3. *The Federal Republic of Yugoslavia is interested in the reinstatement of economic, transport, energy and other flows and ties in the territory of the SFR of Yugoslavia. It is ready to make its full contribution to that end.*

4. *The Federal Republic of Yugoslavia has no territorial aspirations towards any of its neighbours. Respecting the objectives and principles of the United Nations Charter and CSCE documents, it remains strictly committed to the principle of non-use of force in settling any outstanding issues.*

5. *The Federal Republic of Yugoslavia shall ensure the highest standards of the protection of*

human rights and the rights of national minorities provided for in international legal instruments and CSCE documents. In addition, the Federal Republic of Yugoslavia is ready to grant the national minorities in its territory all those rights which would be recognized to and enjoyed by the national minorities in other CSCE participating States.

6. In its foreign relations, the Federal Republic of Yugoslavia shall be guided by the principles of the United Nations Charter, as well as the principles of CSCE documents, particularly the Paris Charter for New Europe. As the founding member of the Movement of Non-Aligned Countries, it shall remain committed to the principles and objectives of the policy of non-alignment.

It shall develop relations of confidence and understanding with its neighbours proceeding from the principle of good-neighbourliness. The Federal Republic of Yugoslavia shall, as a State of free citizens, be guided in its democratic development by the standards and achievements of the Council of Europe, the European Community and other European institutions, with an orientation to join them in the foreseeable future.

Belgrade, 27 April 1992

The participants of the joint session of the SFRY Assembly, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro]

[Ed. note: document A/46/915 is as follows:

GENERAL ASSEMBLY

*Distr.
GENERAL*

*A/46/915
7 May 1992*

ORIGINAL: ENGLISH

*Forty-sixth session
Agenda item 68*

*REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY*

*Letter dated 6 May 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia
to the United Nations addressed to the Secretary-General*

*I have the honour to transmit, enclosed herewith, the note of this Mission dated 27 April 1992
addressed to you (annex I) and the Declaration adopted on 27 April 1992 at the joint*

session of the Assembly of the SFR of Yugoslavia, the National Assembly of the Republic of Serbia and the Assembly of the Republic of Montenegro (annex II).

I should be grateful if you would have the present letter and the documents annexed to it circulated as an official document of the General Assembly under agenda item 68.

*(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.*

ANNEX I

Note dated 27 April 1992 from the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

The Permanent Mission of the Socialist Federal Republic of Yugoslavia (Federal Republic of Yugoslavia) to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform of the following:

The Assembly of the Socialist Federal Republic of Yugoslavia, at its session held on 27 April 1992, promulgated the Constitution of the Federal Republic of Yugoslavia. Under the Constitution, on the basis of the continuing personality of Yugoslavia and the legitimate decisions by Serbia and Montenegro to continue to live together in Yugoslavia, the Socialist Federal Republic of Yugoslavia is transformed into the Federal Republic of Yugoslavia, consisting of the Republic of Serbia and the Republic of Montenegro.

Strictly respecting the continuity of the international personality of Yugoslavia, the Federal Republic of Yugoslavia shall continue to fulfil all the rights conferred to, and obligations assumed by, the Socialist Federal Republic of Yugoslavia in international relations, including its membership in all international organizations and participation in international treaties ratified or acceded to by Yugoslavia. The Federal Republic of Yugoslavia, as a founding member of the United Nations, acknowledges its full commitment to the world Organization, the United Nations Charter and to the Conference on Security and Cooperation in Europe (CSCE), as its founding participating state and to all CSCE documents, in particular the Helsinki Final Act and the Charter of Paris. The Federal Republic of Yugoslavia shall continue to pursue Yugoslavia's foreign policy of the broadest possible equitable cooperation with all international factors, including its activities in the non-aligned Movement as a founding member state.

The Federal Republic of Yugoslavia shall cooperate with other participants on the Conference on Yugoslavia in order, inter alia, to ensure speedy and just distribution of the rights and responsibilities of the Socialist Federal Republic of Yugoslavia between the Federal Republic of Yugoslavia and the other Republics. At the same time, it shall enable these Republics, if they wish it, to continue an independent membership in international organizations and participation in international treaties.

In accordance with the above, the diplomatic missions, consular posts and other offices of Yugoslavia shall continue to operate and represent the interests of the Federal Republic of Yugoslavia. The diplomatic missions, consular posts and other offices of foreign states and international organizations accredited to Yugoslavia shall continue to be accorded the same status by the Federal Republic of Yugoslavia.

Until the completion of the Conference on Yugoslavia, i.e., the reaching of an agreement with the Republics which have declared their independence, the diplomatic missions and consular posts of the Federal Republic of Yugoslavia will provide consular assistance and perform other functions with respect to the natural and juridical persons from these republics, whenever they request it.

Under the enacted Constitution of the Federal Republic of Yugoslavia, new federal authorities shall be: Federal Parliament, President of the Republic, Federal Government and Federal Ministries.

Multi-party elections to choose parliamentary representatives at federal level will be held by 30 June 1992. Until the election of the President of the Republic, this office will be discharged by the Presidency of the SFR of Yugoslavia, in compliance with the provisions of the constitutional law. Until the time the Federal Government has been formed, following the multi-party elections for the Federal Parliament, its functions will be performed by the Federal Executive Council. The Federal Secretariat for Foreign Affairs and other federal governmental agencies will carry out the tasks entrusted to them until they are transformed into new federal ministries, after the installation of the Federal Republic of Yugoslavia's Government.

The Permanent Mission of the Socialist Federal Republic of Yugoslavia (Federal Republic of Yugoslavia) to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

ANNEX II

DECLARATION

the representatives of the people of the Republic of Serbia and the Republic of Montenegro

Expressing the will of the citizens of their respective Republics to stay in the common state of Yugoslavia,

Accepting all basic principles of the Charter of the United Nations and the CSCE Helsinki Final Act and the Paris Charter, and particularly the principles of parliamentary democracy, market economy and respect for human rights and the rights of national minorities,

Remaining strictly committed to a peaceful resolution of the Yugoslav crisis, wish to state in this

Declaration their views on the basic, immediate and lasting objectives of the policy of their common state, and on its relations with the former Yugoslav Republics.

In that regard, the representatives of the people of the Republic of Serbia and the Republic of Montenegro declare:

1. The Federal Republic of Yugoslavia, continuing the state, international legal and political personality of the Socialist Federal Republic of Yugoslavia, shall strictly abide by all the commitments that the SFR of Yugoslavia assumed internationally,

At the same time, it is ready to fully respect the rights and interests of the Yugoslav Republics which declared independence. The recognition of the newly-formed states will follow after all the outstanding questions negotiated on within the Conference on Yugoslavia have been settled,

Remaining bound by all obligations to international organizations and institutions whose member it is, the Federal Republic of Yugoslavia shall not obstruct the newly-formed states to join these organizations and institutions, particularly the United Nations and its specialized agencies. The Federal Republic of Yugoslavia shall respect and fulfil the rights and obligations the SFR of Yugoslavia assumed vis-a-vis the territories of Krajina which have been placed, within the framework of the United Nations peace-keeping operation, under the protection of the world Organization.

The Federal Republic of Yugoslavia also remains ready to negotiate, within the Conference on Yugoslavia, all problems related to the division of assets, which means both to assets and debts acquired jointly. In case of a dispute regarding these issues, the Federal Republic of Yugoslavia shall be ready to accept the arbitration of the Permanent Court of Arbitration in the Hague.

2. The diplomatic and consular missions of the Federal Republic of Yugoslavia abroad shall continue without interruption to perform their functions of representing and protecting the interests of Yugoslavia. Until further notice, they shall continue to take care of all the assets of Yugoslavia abroad.

They shall also extend consular protection to all nationals of the SFR of Yugoslavia whenever they request them to do so until a final regulation of their nationality status.

The Federal Republic of Yugoslavia recognizes, at the same time, the full continuity of the representation of foreign states by their diplomatic and consular missions in its territory.

3. The Federal Republic of Yugoslavia is interested in the reinstatement of economic, transport, energy and other flows and ties in the territory of the SFR of Yugoslavia. It is ready to make its full contribution to that end.

4. The Federal Republic of Yugoslavia has no territorial aspirations towards any of its

neighbors. Respecting the objectives and principles of the United Nations Charter and CSCE documents, it remains strictly committed to the principle of non-use of force in settling any outstanding issues.

5. The Federal Republic of Yugoslavia shall ensure the highest standards of the protection of human rights and the rights of national minorities provided for in international legal instruments and CSCE documents. In addition, the Federal Republic of Yugoslavia is ready to grant the national minorities in its territory all those rights which would be recognized to and enjoyed by the national minorities in other CSCE participating states.

6. In its foreign relations, the Federal Republic of Yugoslavia shall be guided by the principles of the United Nations Charter, as well as the principles of CSCE documents, particularly the Paris Charter for New Europe. As the founding member of the Movement of non-aligned countries, it shall remain committed to the principles and objectives of the policy of non-alignment.

It shall develop relations of confidence and understanding with its neighbors proceeding from the principle of good-neighborliness. The Federal Republic of Yugoslavia shall, as a State of free citizens, be guided in its democratic development by the standards and achievements of the Council of Europe, the European Community and other European institutions, with an orientation to join them in the foreseeable future.

Belgrade, 27 April 1992

The participants of the joint session of the SFRY Assembly, The National Assembly of the Republics of Serbia and the Assembly of the Republic of Montenegro]

Bosnia and Herzegovina, Croatia, Slovenia and The former Yugoslav Republic of Macedonia, all of which had applied for and were admitted to membership in the United Nations, in accordance with Article 4 of the Charter (by resolutions 46/237 adopted on 22 May 1992, 46/238 adopted on 22 May 1992, 46/236 adopted on 22 May 1992, and 47/225 adopted on 8 April 1993 respectively), objected to this claim.

In its resolution 47/1 of 22 September 1992, the General Assembly, acting upon the recommendation of the Security Council in its resolution 777 (1992) of 19 September 1992, considered that Yugoslavia could not continue automatically the membership of the former Yugoslavia in the United Nations, and decided that it should accordingly apply for membership in the Organization. It also decided that Yugoslavia could not participate in the work of the General Assembly. The Legal Counsel took the view, however, that this resolution of the General Assembly neither terminated nor suspended the membership of the former Yugoslavia in the United Nations. At the same time, the Legal Counsel expressed the view that the admission of a new Yugoslavia to membership in the United Nations, in accordance with Article 4 of the Charter of the United Nations, would terminate the situation that had been created by General Assembly resolution 47/1 (See document A/47/485).

[Ed. note: document A/47/485 is as follows:

General Assembly

Distr.
GENERAL

A/47/485
30 September 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 8

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

Note by the Secretary-General

The Secretary-General has the honour to refer to the letter dated 25 September 1992 from the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations addressed to him (A/47/474) and to state that separate letters in reply dated 29 September 1992 were addressed to said Permanent Representatives by the Under-Secretary-General for Legal Affairs, the Legal Counsel (see annex).

ANNEX

Letter dated 29 September 1992 from the Under-Secretary-General, the Legal Counsel, addressed to the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations

On behalf of the Secretary-General, I would like to acknowledge receipt of your letter to him dated 25 September 1992 by which you raised a number of questions arising from the adoption by the General Assembly of resolution 47/1 of 22 September 1992.

As you know, by resolution 47/1 of 22 September 1992 entitled "Recommendation of the Security Council of 19 September 1992", the General Assembly considered 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 and decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly. General Assembly resolution 47/1 deals with a membership issue which is not foreseen in the Charter of the United Nations, namely, the consequences for purposes of membership in the United Nations of the disintegration of a Member State on which there is no agreement among the immediate successors of that State or among the membership of the Organization at large. This explains the fact that resolution 47/1 was not adopted pursuant to Article 5 (suspension) of the Charter nor

under Article 6 (expulsion). The resolution makes no reference either to those Articles or to the criteria contained in those Articles.

While the General Assembly has stated unequivocally that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations, the only practical consequence that the resolution draws is that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly. It is clear, therefore, that representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) can no longer participate in the work of the General Assembly, its subsidiary organs, nor conferences and meetings convened by it.

On the other hand, the resolution neither terminates nor suspends Yugoslavia's membership in the Organization. Consequently, the seat and nameplate remain as before, but in Assembly bodies representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot sit behind the sign "Yugoslavia". Yugoslav missions at United Nations Headquarters and offices may continue to function and may receive and circulate documents. At Headquarters, the Secretariat will continue to fly the flag of the old Yugoslavia as it is the last flag of Yugoslavia used by the Secretariat. The resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies. The admission to the United Nations of a new Yugoslavia under Article 4 of the Charter will terminate the situation created by resolution 47/1.

The above represents the considered view of the United Nations Secretariat regarding the practical consequences of the adoption by the General Assembly of resolution 47/1.]

General Assembly resolution 47/1 did not specifically address the question of the status of either the former Yugoslavia or of Yugoslavia with regard to multilateral treaties that were deposited with the Secretary-General. The Legal Counsel took the view in this regard that the Secretary-General was not in a position, as depositary, either to reject or to disregard the claim of Yugoslavia that it continued the legal personality of the former Yugoslavia, absent any decision to the contrary either by a competent organ of the United Nations directing him in the exercise of his depositary functions, or by a competent treaty organ created by a treaty, or by the contracting States to a treaty directing him in the exercise of his depositary functions with regard to that particular treaty, or by a competent organ representative of the international community of States as a whole on the general issue of continuity and discontinuity of statehood to which the claim of Yugoslavia gave rise.

Consistent with the claim of Yugoslavia to continue the international legal personality of the former Yugoslavia, the Secretary-General, as depositary, continued to list treaty actions that had been performed by the former Yugoslavia in status lists in the present publication, using for that purpose the short-form name "Yugoslavia", which was used at that time to refer to the former Yugoslavia. Between 27 April 1992 and 1 November 2000, Yugoslavia undertook numerous treaty actions with respect to treaties deposited with the Secretary-General. Consistent

with the claim of Yugoslavia to continue the international legal personality of the former Yugoslavia, these treaty actions were also listed in status lists against the name "Yugoslavia". Accordingly, the Secretary-General, as depositary, did not make any differentiation in the present publication between treaty actions that were performed by the former Yugoslavia and those that were performed by Yugoslavia, both categories of treaty actions being listed against the name "Yugoslavia".

The General Assembly admitted Yugoslavia to membership by its resolution A/55/12 on 1 November 2000. At the same time, Yugoslavia renounced its claim to have continued the international legal personality of the former Yugoslavia.

Treaty actions undertaken by Yugoslavia were subsequently listed in this publication against the designation "Serbia and Montenegro" until 2 June 2006.

Treaty actions undertaken by the former Yugoslavia appear in footnotes, against the designation "former Yugoslavia".

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [*the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]].*

See also Bosnia and Herzegovina, Croatia, Slovenia, Serbia and Montenegro, The former Yugoslav Republic of Macedonia and Yugoslavia in [*the Historical Information section of the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]]. [Ed. note: for the text in *Bayefsky.com*, see the *Reservations and Declarations* section of that State].*

[Ed. note: *Depositary Notifications Relating to Actions Deposited on 12 March 2001 are as follows:*

C.N.153.2001.TREATIES-1 (Depositary Notification)

CONVENTION ON THE RIGHTS OF THE CHILD

NEW YORK, 20 NOVEMBER 1989

Yugoslavia: Succession

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 12 March 2001.

The Convention became effective for Yugoslavia on 27 April 1992, the date of State succession.

15 March 2001

C.N.161.2001.TREATIES-2 (Depositary Notification)

CONVENTION ON THE RIGHTS OF THE CHILD

NEW YORK, 20 NOVEMBER 1989

Yugoslavia: Confirmation of Withdrawal of Reservation¹

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

On 12 March 2001, the Secretary-General received from the Government of Yugoslavia a notification confirming the withdrawal of reservation made upon ratification. (Refer to depositary notification C.N.92.1997.TREATIES-1 of 2 April 1997). [Ed. note: following this depositary notification]

¹ *Refer to depositary notification C.N.153.2001.TREATIES-1 of 15 March 2001 (Yugoslavia:Succession).*

15 March 2001

C.N.92.1997.TREATIES-1 (Depositary Notification)

CONVENTION ON THE RIGHTS OF THE CHILD ADOPTED BY THE GENERAL ASSEMBLY OF THE UNITED NATIONS ON 20 NOVEMBER 1989

...

Withdrawal of the Reservation made by Yugoslavia upon Ratification

...

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following.

...

II

On 28 January 1997, the Government of Yugoslavia notified the Secretary-General of its decision to withdraw the reservation with respect to article 9, paragraph 1 of the Convention that it had made upon ratification of the Convention, as circulated by depositary notification C.N.5.1991.TREATIES-1 OF 12 April 1991:

[Reservation:

"The competent authorities (ward authorities) of the Socialist Federal Republic of Yugoslavia may, under article 9, paragraph 1 of the Convention, make decisions to deprive parents of their right to raise their children and give them an upbringing without prior judicial determination in accordance with the internal legislation of the SFR of Yugoslavia."]

...

2 April 1997]