



**Convention on
the Elimination
of All Forms of
Discrimination
against Women**

Distr.
LIMITED

CEDAW/SP/1994/L.1
7 February 1994

ORIGINAL: ENGLISH

MEETING OF STATES PARTIES TO THE
CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN

Seventh meeting
New York, 7 February 1994

NOTE VERBALE DATED 3 FEBRUARY 1994 FROM THE PERMANENT MISSION
OF CROATIA TO THE UNITED NATIONS

The Permanent Mission of the Republic of Croatia to the United Nations presents its compliments to the Secretary-General and has the honour to request that the enclosed aide-mémoire be distributed to the delegations of the States parties at the seventh Meeting of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women, as an official document.

Annex

Aide-mémoire dated 3 February 1994 from the Permanent Mission
of Croatia to the United Nations

The delegation of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) submitted a report to the Committee on the Elimination of Discrimination against Women and presented the report at the Committee meeting on 2 February 1994. The Republic of Croatia wants to draw the attention of the States parties only one factual incorrectness in this report, which refers to the legal position of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) as a State party to the Convention on the Elimination of All Forms of Discrimination against Women.

The Republic of Croatia objects to the participation of the above-mentioned delegation at the Meeting of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women, to be held in New York on 7 February 1994, on the grounds that it cannot be considered as a State party to this Convention.

According to the opinion of the Badinter Commission, established under the auspices of the International Conference on the Former Yugoslavia to deal with the legal questions relating to the dissolution of the Socialist Federal Republic of Yugoslavia, the Socialist Federal Republic of Yugoslavia ceased to exist as a result of dissolution and its constituent units became international legal subjects. This was further confirmed in Security Council resolution 777 (1992), which stated that "the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist".

Furthermore, according to the said Commission, since there was no agreement among the successor States to the Socialist Federal Republic of Yugoslavia as to the succession of the rights and obligations of the Socialist Federal Republic of Yugoslavia, the general rules of international law, which deal with succession of States in respect of treaties, possessions, debt and archives, should be applied. The result of this, in the opinion of the Commission, is that no single successor State can consider itself as the sole successor to the Socialist Federal Republic of Yugoslavia.

All the successor States to the former Socialist Federal Republic of Yugoslavia, except the "Federal Republic of Yugoslavia" (Serbia and Montenegro), conducted themselves according to the rules of international law and, in the framework of the United Nations, notified the Secretary-General, in his capacity as depositary of international treaties, of their intention to be considered, in respect of their respective territories, party, by virtue of succession to the Socialist Federal Republic of Yugoslavia, to various treaties, and sought membership in international organizations in accordance with the rules of such organizations.

However, the "Federal Republic of Yugoslavia" (Serbia and Montenegro) has not acted according to international rules and decisions, but has mala fidae ignored them and tried to participate in international forums as a State party

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and/or as a member of the international organizations, with the intention to create a precedent by which it would later seek to prove that it is the sole legitimate automatic successor to the former Socialist Federal Republic of Yugoslavia.

The "Federal Republic of Yugoslavia", which consists of the former Yugoslav republics of Serbia and Montenegro, claims that it is the sole and automatic successor to the Socialist Federal Republic of Yugoslavia to international treaties and organizations. This claim is not accepted in the international community because no such agreement was reached by the successor States to the Socialist Federal Republic of Yugoslavia.

In this regard, reference is to be made to Security Council resolution 777 (1992) and General Assembly resolution 47/1 of 22 September 1992, in which the General Assembly considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership in international treaties and other international organizations.

Since the "Federal Republic of Yugoslavia" (Serbia and Montenegro) has not notified the Secretary-General of its succession to the Convention on the Elimination of All Forms of Discrimination against Women as one of the successor States to the former Socialist Federal Republic of Yugoslavia, it cannot be considered as one of the parties to the said Convention. Therefore, as a non-party, the said delegation has no right to participate at the seventh Meeting of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women.

The delegation of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) should, therefore, not be allowed to attend the said Meeting and the name-plate of "Yugoslavia" should be removed.
