



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

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

Seventh meeting
New York, 7 February 1994

LETTER DATED 7 FEBRUARY 1994 FROM THE PERMANENT REPRESENTATIVE
OF SLOVENIA TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

I have the honour to transmit, attached hereto, my letter to you, dated 28 January 1994. May I ask again for your kind assistance in circulating the letter of 28 January 1994 as a document of the Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women.

(Signed) Mr. Danilo TÜRK
Permanent Representative

Annex

Letter dated 28 January 1994 from the Permanent Representative
of Slovenia to the United Nations addressed to the
Secretary-General

I wish to draw your attention to a problem raised by the publication of the report submitted by the "Federal Republic of Yugoslavia" (Serbia and Montenegro) to the Committee on the Elimination of Discrimination against Women (CEDAW/C/YUG/SP.1).

The document contains, in particular in paragraphs 1, 2, 3 and 5, references that are factually incorrect and that contradict the relevant resolutions of the United Nations Security Council and the General Assembly.

The content of paragraphs 1 (second sentence) and 2 of the document maintains that the "Federal Republic of Yugoslavia" (Serbia and Montenegro), represents automatic continuity of the former Socialist Federal Republic of Yugoslavia. This position is reiterated by references, in paragraphs 3 and 5, to the "secession" of some republics constituting the former Socialist Federal Republic of Yugoslavia. Moreover, the use of the incorrect term "secession" is further qualified as "unconstitutional", an assertion that is not only legally incorrect, in view of the dissolution of the former Socialist Federal Republic of Yugoslavia, but also introduces political notions that are incompatible with human rights reporting.

In connection with these issues, I would like to recall that the Arbitration Commission of the International Conference on the Former Yugoslavia, chaired by M. Robert Badinter, concluded, in its advisory opinion No. 8 of 4 July 1992, that the process of dissolution of the Socialist Federal Republic of Yugoslavia was complete and that Yugoslavia had ceased to exist. Furthermore, the Arbitration Commission emphasized the principle of equality of all successor States to the former Yugoslavia. The subsequent resolutions of the Security Council and the General Assembly have confirmed the essence of that opinion. The Security Council stated in its resolution 777 (1992) "that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist". Proceeding from this basis, the Security Council and the General Assembly specifically stated that the "Federal Republic of Yugoslavia (Serbia and Montenegro)", i.e. one of the successor States, cannot automatically continue the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations.

Extinction of a State is a fact of basic importance and as such has a number of practical consequences, including the consequence that automatic continuity cannot be accepted or recognized. This consequence was duly emphasized in the relevant resolutions of the Security Council and the General Assembly concerning the question of membership of successor States to the former Socialist Federal Republic of Yugoslavia. Furthermore, a State cannot cease to exist for some purposes and continue to exist for others. The fact of extinction has to be duly reflected in all relevant contexts, including those related to the succession of States with respect to international treaties and in the practice of bodies supervising the implementation of such treaties.

Another problem arises from the references, in paragraph 3 of the mentioned document, to "the war in the neighbourhood of" and to "sanctions imposed on" the "Federal Republic of Yugoslavia" (Serbia and Montenegro). Furthermore, paragraph 5 contains an absurd claim that "the international community has recognized and asserted that the Federal Republic of Yugoslavia is not an aggressor". These references were made to undermine the notion expressed by the relevant resolutions of the Security Council that sanctions were imposed on the "Federal Republic of Yugoslavia" (Serbia and Montenegro) precisely because of its responsibility for the armed conflicts. Attempts to undermine or circumvent this basic notion of responsibility for war give rise to serious concern. Moreover, they lead to politicization of a discussion on human rights and must therefore be vigorously rejected.

In view of the preceding considerations, I propose that the report contained in document CEDAW/C/YUG/SP.1 be removed from circulation and its content corrected, in a manner that will eliminate references that contravene the resolutions of the Security Council and the General Assembly and politicize discussions on human rights.

I would be grateful if you would bring this letter to the attention of the Chairperson of the Committee on the Elimination of Discrimination against Women and if you would have it circulated as a document of the seventh Meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women.

(Signed) Mr. Danilo TÜRK
Permanent Representative
