



"People and Wetlands: The Vital Link"
**7th Meeting of the Conference of the Contracting Parties
to the Convention on Wetlands (Ramsar, Iran, 1971),
San José, Costa Rica, 10-18 May 1999**

Agenda item XIV: Report of the Credentials Committee

The status of Yugoslavia in the Ramsar Convention

1. At the 6th Meeting of the Contracting Parties (1996), as noted in paragraph 270 of the Conference Report, following the presentation of the Report of the Credentials Committee, the delegation of Australia "expressed its view that the Federal Republic of Yugoslavia is not the automatic successor of the Socialist Republic of Yugoslavia and is thus not entitled to represent the Contracting Party [to the Ramsar Convention] Yugoslavia at this Conference. The USA supported Australia's position, citing United Nations precedents. The Federal Republic of Yugoslavia later presented a written rebuttal to the Bureau". The statements of the Australian Delegation and that of Yugoslavia were included in the Conference Report (pages 45 and 46 of the English version). It should be noted that this issue emerged only at the very end of the meeting, and that in spite of the statements from Australia and the USA, no decision was taken by COP6 on this matter.
2. Not having received instructions to the contrary, the Bureau has continued to treat the Federal Republic of Yugoslavia as a Contracting Party, sending all Diplomatic Notifications and other communications and collecting its dues.
3. Considering that this matter could arise again at Ramsar COP7, the Secretary General invited the Standing Committee to address the issue at its 21st meeting on 19-24 October. As shown in the minutes of the meeting, which have been distributed to all Contracting Parties under Diplomatic Note 1998/12 dated 2 December 1998 (paragraphs 225 to 270), the Standing Committee after a detailed consideration of the matter, adopted the following

Decision SC21.18: Based on Resolution No. 777 of the Security Council, dated 19 September 1992, and UN General Assembly Resolution No. 47/1 of 22 September 1992, the Standing Committee decided to:

- 1) instruct the Bureau to request that the Office of International Standards and Legal Affairs within UNESCO (as the depositary of the Convention) clarify the status of the current Federal Republic of Yugoslavia with regard to the Ramsar Convention, based on the stipulations of the text of the Convention and in the light of international law; and

- 2) instruct the Bureau to prepare a conference paper transmitting the results of the clarification sought in Point 1) to the Conference of the Parties as part of the COP7 documentation.
4. Attached is a copy of the letter from UNESCO addressed to the Secretary General in response to the above-mentioned decision of the Standing Committee.

Annex I

Letter from UNESCO to the Ramsar Bureau, 4 February 1999

United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science and la culture

7, place de Fontenoy
F-75352 Paris 07 SP

Tél:+33(0) 1 45 68 10 00
Fax: +33(0) 1 45 65 55 75

Mr. Delmar Blasco
Secretary-General
Bureau of the Ramsar Convention
Rue Mauverney 28
CH-1196 GLAND
Switzerland

Réf LA/DIR/99/393

4 February 1999

Dear Mr Blasco,

This is in reply to your letter dated 13 November 1998 by which you communicated to me the text of Decision SC21.18 adopted by the 21st Meeting of the Ramsar Committee (19-24 October 1998). Under the terms of that decision, your Bureau was instructed *inter alia* "to request that the Office of International Standards and Legal Affairs within UNESCO (as the Depository of the Convention) clarify the status of the current Federal Republic of Yugoslavia with regard to the Ramsar Convention, based on the stipulations of the text of the Convention and in the light of international law".

In this connection, I note that, in taking this decision, the Committee based itself "on Resolution No. 777 (1992) of the Security Council, dated 19 September 1992, and UN General Assembly Resolution No.47/1 of 22 September 1992".

As you know, by paragraph 1 of the substantive part of its Resolution 777 (1992), the Security Council decided to recommend "to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it should not participate in the work of the General Assembly". After considering this recommendation, the United Nations General Assembly adopted Resolution 47/1 by which it decided, *inter alia*, in exactly the same terms as recommended by the Security Council.

In the light of the foregoing, I would like to make the following comments and observations:

- (a) The terms of its relevant paragraph indicate that Resolution 47/1 concerns membership of the Federal Republic of Yugoslavia (Serbia and Montenegro), currently the Federal Republic of Yugoslavia, in the United Nations and its participation in the work of the General Assembly. Indeed in a letter addressed to the Director-General on 29 September 1992, Mr. Carl-August Fleischhauer, the United Nations Under-Secretary-General for Legal Affairs and the Legal Counsel stated *inter alia* that "the only practical consequence that the Resolution (47/1) draws is

that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly”.

Indeed, it could be said more specifically that Resolution 47/1 did not address the issue of the status of the Federal Republic of Yugoslavia (Serbia and Montenegro) vis-à-vis treaties to which the Socialist Federal Republic of Yugoslavia was a party.

- (b) Be that as it may, Mr. Fleischhauer, in his above-mentioned letter of 29 September 1992, stated clearly that “Resolution 47/1 applied directly only to the United Nations and is not legally binding on the specialized and related agencies”. This view was confirmed by Mr. Ralph Zacklin, Director and Deputy to the Under- Secretary-General for Legal Affairs of the United Nations, in a letter of 6 March 1997 addressed to the UNESCO Secretariat in which he affirmed *inter alia* that “UNESCO is, of course, a separate organization to which United Nations decisions are not directly applicable”.
- (c) As regards UNESCO itself, I can only inform you no decision has been taken by either its General Conference or its Executive Board concerning the status of the current Federal Republic of Yugoslavia with regard to treaties for which the Director-General is the depositary and to which the Socialist Federal Republic of Yugoslavia had become a contracting party by accomplishing the required formalities such as ratification or acceptance. In the absence of any such decision by UNESCO’s governing bodies, the Director-General, in his capacity as depositary of the treaties concerned, continues to list Yugoslavia as a party to the treaties in question including of course, the Convention on Wetlands of International Importance especially as Waterfowl Habitat adopted at Ramsar on 2 February 1971. This is in consonance with the depositary practice of the Secretary-General of the United Nations.

Yours sincerely,

Jonathan A. Kusi
Director
Office of International Standards
and Legal Affairs