

CONVENTION ON WETLANDS (Ramsar, Iran, 1971)

24th Meeting of the Ramsar Standing Committee
Gland, Switzerland: 29 November – 2 December 1999

DOC. SC24-22

Agenda item 13.1

Letter from the Permanent Mission of Yugoslavia

Action requested: The Standing Committee is requested to note the content of the letter related to COP7 Resolution VII.30 and to advise the Bureau, if it wishes to do so, on this matter.

1. The Bureau sent to the Missions of Bosnia and Herzegovina and Yugoslavia in Geneva a diplomatic note dated 2 August 1999 transmitting to them COP7 Resolution VII.30 entitled “Status of Yugoslavia in the Ramsar Convention”. The Permanent Mission of Yugoslavia responded with a letter dated 1 September 1999. Both documents are attached.
2. Concerning Bosnia and Herzegovina, there was no reply to the diplomatic note, but the Bureau is in contact with the authorities in Sarajevo regarding the adhesion of that country to the Convention.

[letterhead of the Permanent Mission to the United Nations in Geneva of the Federal Republic of Yugoslavia]

His Excellency
Mr. Delmar BLASCO
Secretary General
Convention on Wetlands (Ramsar Convention)
Gland

Geneva, 1 September 1999

Excellency,

Upon instruction of my Government, I would like to inform you of the position of the Government of the Federal Republic of Yugoslavia in regard to its status in the Convention on Wetlands (Ramsar Convention).

The resolution on the status of Yugoslavia in the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat, adopted at the 7th session of the Conference of the Contracting Parties to the Convention (Ramsar, Islamic Republic of Iran, 1971), held in San Jose (Costa Rica) from 10 to 18 May 1999, is null and void and has no legal effect because:

1. The Contracting Parties to the Ramsar Convention are not authorized to make a decision on the status of the Federal Republic of Yugoslavia in that Convention.

Such authorization is not contained in the Ramsar Convention, the Vienna Convention on the Law of Treaties (1969), the Vienna Convention on Succession of States in Respect of Treaties (1978) or any other general rule of international law;

2. Until the adoption of the above resolution, the FR of Yugoslavia has regularly, as a full-fledged member, participated in all conferences of the Contracting Parties (the Fifth conference held in 1993 in Kushiro, Japan and the Sixth conference held in 1996 in Brisbane, Australia) as well as in the work and meetings of organs and bodies established under the Ramsar Convention. The Federal Republic of Yugoslavia has also regularly paid all its financial contributions arising from the Convention, for 1997 and 1998, and has proper certificates of payment of the Bureau. It should be noted that in 1995 and 1996, two new wetlands in the Federal Republic of Yugoslavia -- Lake Skadar and Stari Begej, Carska Bara, have been included in the list of wetlands of international importance, which can be seen from the special diplomas of the Standing Committee of the Convention.

3. The Contracting Parties to the multilateral treaties, to which the FR of Yugoslavia is a Contracting Party, have not raised this question so far. The fact is that the Contracting Parties have illegally excluded the FR of Yugoslavia from the work of some bodies and organs set up by these treaties, but have never made a decision to exclude the FR of Yugoslavia from the membership in multilateral treaties. On the contrary, in the United Nations and regional

organizations, it has been emphasized all along that the FR of Yugoslavia is a Contracting Party to the multilateral treaties, insisting that it is obliged to adhere to their provisions.

In the preambular part of the Agreement between the Federal Government of the FR of Yugoslavia and the United Nations on the status of the Office of the UN High Commissioner for Human Rights in tile FR of Yugoslavia (6 November 1998), it is stated that the FR of Yugoslavia is a State Party to the Charter of the United Nations, Universal Declaration on Human Rights, international covenants on human rights and other treaties. In the Agreement on the OSCE Kosovo Verification mission (16 October 1998) in Article 8, it is stated that the FR of Yugoslavia accepts the OSCE mission as a diplomatic entity in terms of the Vienna Convention on Diplomatic Relations.

In the decision on the competency of the International Court of Justice in a dispute between the FR of Yugoslavia and Bosnia and Herzegovina, the Court considered that the FR of Yugoslavia is a Contracting Party to the Convention on the prevention and punishment of the crime of genocide (1949), solely on the basis of a letter of the Permanent Representative of the FR of Yugoslavia to the United Nations, addressed on 27 April 1992 to the UN Secretary-General, stating that the FR of Yugoslavia shall continue all rights and undertaken obligations of the SFRY in international relations . . . including its participation in international treaties, ratified or acceded to by the SFRY.

4. The request contained in a letter of the Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia and FYR of Macedonia that the UN Secretary-General consider the issue of the status of the FR of Yugoslavia in the Ramsar Convention and international conventions in general, exceeds his competencies, in view of the fact that the Secretary-General has no authority to make decisions on the membership of the States in international conventions, either on the basis of the tasks entrusted to him within the UN or as a depository of international treaties.

5. According to Articles 34 and 35 of the Vienna Convention on Succession of States in Respect of Treaties, the participation of the States in international treaties of a predecessor State, is regulated in the same way in case a part or parts of the territory of a State separate to form one or more States, whether or not the predecessor State continues to exist, or when, after a separation of any part of the territory of a State, the predecessor State continues to exist.

6. The Permanent Representatives of Bosnia and Herzegovina, Croatia, Slovenia and FYR of Macedonia in their letter addressed to the UN Secretary-General have acted in a malicious and ill-intentioned way (*mala fidae*), motivated exclusively by political considerations with a view to inflicting harm on the Federal Republic of Yugoslavia. Some of these States in bilateral agreements have recognized its international legal continuity of the SFR of Yugoslavia (Article 5 of the Agreement on the normalization of relations between the FR of Yugoslavia and the Republic of Croatia of 23 August 1996 and Article 4 of the Agreement on the regulation and promotion of cooperation between the FR of Yugoslavia and the FYR of Macedonia, of 8 April 1996).

From the above, it can be concluded that the FR of Yugoslavia is a Contracting Party to the

Ramsar Convention.

Excellency,

I am informing you that the Government of the FR of Yugoslavia has notified of its position the Secretary General of the United Nations asking His Excellency to have circulated the position of the Government of the FR of Yugoslavia as an official document of the United Nations General Assembly and Security Council.

Please accept, Excellency, the assurances of my highest consideration.

Branko Brankovic
Ambassador
Chargé d'affaires a.i.