

REPUBLIC OF BOSNIA AND HERZEGOVINA  
MINISTRY OF FOREIGN AFFAIRS

Fax No. 99331-40209327

To: Arbitration Committee  
of the Conference on Yugoslavia

Mr. Badinter,

Concerning the question submitted by the Chairman of the Conference on Yugoslavia to the Arbitration Committee, we would like to express the following standpoint of the Republic of Bosnia and Herzegovina:

Question 1.1

Following the Attitude No. 1 of the Arbitration Committee, according to which S.F.R.Y. was, at that time in the process of dissolution, the new state structure, the Federal Republic of Yugoslavia cannot aspire to the state continuity of the former S.F.R.Y. A broader argumentation in favour of understanding the fact that dissolution is in the question was given upon the request of the Arbitration Committee in the period of preparation of the Attitude No. 1. Since it is a new state that we are dealing with, it ought to request for its international recognition and in relation to the EC Member countries give a proof that it fulfills the conditions stated in its Declaration on Yugoslavia and the Guidelines for Recognition of New States in East Europe and the Soviet Union.

Reasons for this are not only founded in the international law, but also in the internal law of the former S.F.R.Y. Association of Serbia and Monte Negro and creation of the Federal Republic of Yugoslavia was made contrary to the S.F.R.Y. Constitution, not only regarding the procedure and the authorities which made the decisions, but also regarding the contents of the decisions. Therefore, from the point of view of the international law, we are dealing with a new state structure subject to the procedure of international recognition.

Question 1.2

By the international recognition of Bosnia and Herzegovina,

Croatia and Slovenia, and by the complete state constitution of Macedonia, by which all conditions for its international recognition were met, in accordance with the attitude of the Arbitration Committee, and also by creation of the Federal Republic of Yugoslavia, the process of dissolution of the former S.F.R.Y. was completed. Either in formal or in realistic sense, not a single organ or institution of the former S.F.R.Y. exists.

Question 1.3

Since we are dealing with the completed process of dissolution and definite cease of the S.F.R.Y., all the six Republics are entitled to be its equal successors. Starting from this, the issues of succession and of division balance should be resolved according to the principles of the Vienna Conventions for the cases of dissolution.

Delegitimation of the S.F.R.Y. should be undertaken in the United Nations and other international organizations and institutions and the Federal republic of Yugoslavia should be prevented from its efforts to try and take the position of the former S.F.R.Y.

In the conditions of a severe aggression against the Republic of Bosnia and Herzegovina, of a great number of casualties, suffering and destruction, we are not in the position to offer a broader explicit explanation of the given standpoints, not to quote many sources and theoretical standpoints which support them.

Please accept the assurances of our consideration.

Sarajevo, 9 June 1992

Haris Silajdzic  
Minister of Foreign Affairs