

Observations
of the FR of Yugoslavia
on the Second Request made on 27 July 1993 and
the Amended Second Request made on 4 August 1993
by the so-called Republic of Bosnia and Herzegovina
for the indication of provisional measures

*To the President and Judges of the International Court
of Justice,*

The undersigned, being duly authorized by the Federal Republic of Yugoslavia,

Having in mind the Second Request made on 27 July 1993 and the Amended Second Request made on 4 August 1993 by the so-called Republic of Bosnia and Herzegovina¹ for the indication of provisional measures,

In view of Article 74, para 3, of the Rules of the Court,
Has the honour to submit the following Observations:

1. In the Case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly of the United Nations on 9 December 1948 (hereinafter marked as "the Genocide Convention"), instituted against the FR of Yugoslavia by the Application filed in the Registry of the Court on 20 March 1993 by the so-called

¹ Using the expression "the so called Republic of Bosnia and Herzegovina", the FR of Yugoslavia wishes to indicate that its participation in the proceedings before the Court cannot be understood as *de jure* recognition of the Applicant State.

Republic of Bosnia and Herzegovina, the Applicant State submitted to the Court the Second Request for the indication of provisional measures, dated 27 July 1993;

Wishing to protect the following rights:

- " (a) The right of the citizens of Bosnia and Herzegovina physically to survive as a People and as a State;
- (b) The rights of the People of Bosnia and Herzegovina to life, liberty, security, and bodily and mental integrity, as well as the other basic human rights specified in the 1948 Universal Declaration of Human Rights;
- (c) The right of the People and State of Bosnia and Herzegovina to be free at all times from genocide and other genocidal acts perpetrated upon them by Yugoslavia (Serbia and Montenegro), acting together with its agents and surrogates in Bosnia and elsewhere;
- (d) The right of the People and State of Bosnia and Herzegovina to be free at all times from the use or threat of force directed against them by a foreign state acting in conjunction with its agents and surrogates on their sovereign territory and elsewhere;
- (e) The Right of Bosnia and Herzegovina to conduct its affairs and to determine matters within its domestic jurisdiction without interference or intervention by any foreign state acting directly or by means of agents and surrogates, or both;
- (f) The right to self-determination of the People and State of Bosnia and Herzegovina;
- (g) The basic right to sovereign existence for the People and State of Bosnia and Herzegovina;
- (h) The right of the Republic of Bosnia and Herzegovina to continue to exist as a Member State of the United Nations Organization itself."²

And requesting the following provisional measures:

"1. That Yugoslavia (Serbia and Montenegro) must immediately cease and desist from providing, directly or indirectly, any type of support - including training, weapons, arms, ammunition, supplies, assistance, finances, direction or any other form of support - to any nation, group, organization, movement, military, militia or paramilitary force, irregular armed unit, or individual in Bosnia and Herzegovina for any reason or purpose whatsoever.

² Request for the indication of provisional measures of protection submitted by the Government of the Republic of Bosnia and Herzegovina, 27 July 1993, p. 50.

2. That Yugoslavia (Serbia and Montenegro) and all of its public officials - including and specially the President of Serbia, Mr. Slobodan Milosevic - must immediately cease and desist from any and all efforts, plans, plots, schemes, proposals or negotiations to partition, dismember, annex or incorporate the sovereign territory of Bosnia and Herzegovina.

3. That the annexation or incorporation of any sovereign territory of the Republic of Bosnia and Herzegovina by Yugoslavia (Serbia and Montenegro) by any means or for any reason shall be deemed illegal, null, and void ab initio.

4. That the Government of Bosnia and Herzegovina must have the means 'to prevent' the commission of acts of genocide against its own People as required by Article I of the Genocide Convention.

5. That all Contracting Parties to the Genocide Convention are obliged by Article I thereof 'to prevent' the commission of acts of genocide against the People and State of Bosnia and Herzegovina.

6. That the Government of Bosnia and Herzegovina must have the means to defend the People and the State of Bosnia and Herzegovina from acts of genocide and partition and dismemberment by means of genocide.

7. That all Contracting Parties to the Genocide Convention have the obligation thereunder 'to prevent' acts of genocide, and partition and dismemberment by means of genocide, against the People and State of Bosnia and Herzegovina.

8. That in order to fulfill its obligations under the Genocide Convention under the current circumstance, the Government of Bosnia and Herzegovina must have the ability to obtain military weapons, equipment, and supplies from other Contracting Parties.

9. That in order to fulfill their obligation under the Genocide Convention under the current circumstances, all Contracting Parties thereto must have the ability to provide military weapons, equipment, supplies and armed forces (soldiers, sailors, airpeople) to the Government of Bosnia and Herzegovina at its request.

10. That United Nations Peace-keeping Forces in Bosnia and Herzegovina (i.e. UNPROFOR) must do all in their power to ensure the flow of humanitarian relief supplies to the Bosnian People through the Bosnian city of Tuzla.

F. The Court should Also Indicate Provisional Measures Proprio Motu".³

2. Reserving all rights of objections to jurisdiction of the Court and to admissibility of the Application, the FR of Yugoslavia asks the Court:

³ Ibid. p. 52, 53.

to reject all requested provisional measures indicated from No. 1 to No. 10,

A) because the Court has no jurisdiction to indicate them;

B) because they are not founded on the new legally relevant facts;

C) because of the abuse of the right of the request for provisional measures;

D) because they will seriously endanger the right of the FR of Yugoslavia to request that the so-called Republic Bosnia and Herzegovina fulfills its obligations under the Genocide Convention concerning the Serb people in Bosnia and Herzegovina;

E) because they look to the past, not to the future;

F) because they mean an interim judgment; and

to reject the provisional measure indicated under the letter "F",

G) because it has no legal basis in the Rules of the Court.

3. A) The Court has no jurisdiction *ratione materiae* in relation of all provisional measures indicated from No. 1 to No. 10. The arguments for this contention are to be found in the Order of the Court, made on 8 April 1993 on the requests for the indication of provisional measures submitted by both parties. (The Applicant State on 20 March 1993 and the Respondent State on 31 March 1993.)

The Court said,

In para. 14 of the Order:

"Whereas on a request for provisional measures the Court need not, before deciding whether or not to indicate them, finally satisfy itself that it has jurisdiction on the merits of the case, yet it ought not to indicate such measures unless the provisions invoked by the Applicant or found in the Statute appear, *prima facie*, to afford a basis on which the jurisdiction

of the Court might be established; whereas this consideration embraces jurisdiction both *ratione personae* and *ratione materiae*, even though, inasmuch as almost all States are today parties to the Statute of the Court, it is in general only the latter which requires to be considered;" and

In para. 26 of the Order:

"Whereas Article IX of the Genocide Convention, to which both Bosnia-Herzegovina and Yugoslavia are parties, thus appears to the Court to afford a basis on which the jurisdiction of the Court might be founded to the extent that the subject-matter of the dispute relates to 'the interpretation, application or fulfilment' of the Convention, including disputes 'relating to the responsibility of a State for genocide or for any of act enumerated in Article III' of the Convention;" and

In para. 34 of the Order:

"Whereas the power of the Court to indicate provisional measures under Article 41 of the Statute of the Court has as its object to preserve the respective rights of the parties pending the decision of the Court, and presupposes that irreparable prejudice shall not be caused to rights which are the subject of dispute in judicial proceedings; and whereas it follows that the Court must be concerned to preserve by such measures the rights which may subsequently be adjudged by the Court to belong either to the Applicant or to the Respondent;" and, especially

In para. 35 of the Order:

"Whereas the Court, having established the existence of a basis on which its jurisdiction might be founded, ought not to indicate measures for the protection of any disputed rights other than those which might ultimately form the basis of a judgment in the exercise of that jurisdiction; whereas accordingly the Court will confine its examination of the measures requested, and of the grounds asserted for the request for such measures, to those which fall within the scope of the Genocide Convention;..."

4. Since the rights the Applicant State wishes to protect as well as requested provisional measures are not within the scope of the Genocide Convention, the Court ought not to indicate the provisional measures. It is notorious that the protected subject of the Genocide Convention, according to Article II of the Genocide Convention, is "in a whole or in part, a national, ethnical, racial or religious group, as such". There is no provision in the Genocide Convention concerning the protection

of a State or of citizens, or concerning human rights, or concerning the use or threat of force directed against a State or a population of a State, or concerning interference in a domestic jurisdiction, or concerning the rights to self-determination, or concerning the basic right to sovereign existence for a population of a State and a State, or concerning the right of a State to continue to exist as a Member State of the United Nations. Consequently, all suggested provisional measures indicated from No. 1 to No. 10 are outside the scope of the Convention of Genocide.

5. The requested provisional measures indicated under Nos. 1, 5, 7, 8, 9 and 10 are not within the jurisdiction of the Court *ratione personae*. It is well known that the Court can regulate by its decision the relations between the parties, but not between the parties and third States. It is very clearly stated in Article 59 of the Statute of the Court:

"The decision of the Court has no binding force except between the parties and in respect of that particular case."

Consequently, the Court can not regulate by its provisional measures the relations between the parties and third states or international organizations.

6. The Federal Republic of Yugoslavia contests the legitimacy of the Applicant again. At the moment of the secession of the "Republic of Bosnia-Herzegovina", carried out in contravention of the Constitution of this former Yugoslav republic, as well as the rules of international law, the President of the Presidency, Presidency and the Government of the "Republic of Bosnia-Herzegovina" ceased to be the legitimate

representatives of all three constituent peoples, and became the representatives only of the Muslim population. Following the expiry of their terms of office on 20 December 1992, the terms thus established have not been renewed in a legal way. Their legitimacy and terms of office are contested both by the Serbs and Croats of this former Yugoslav republic. Of late even some of the remaining members of the "Presidency of the Republic of Bosnia-Herzegovina", in which only the representatives of the Muslim population remain, expressed open disagreement with the policy of Alija Izetbegovic. This is why they cannot be accepted as legitimate representatives of the so-called Republic of Bosnia and Herzegovina.

The fact that Alija Izetbegovic figures in negotiations of the Yugoslav crisis within the International Conference on former Yugoslavia (under the auspices of the United Nations and the European Community) only as a representative of the Muslim population, is eloquent proof that he is not accepted also in the international community as the legitimate President of the whole former Yugoslav republic of Bosnia-Herzegovina.

The recently adopted document on the Union of the Republics of Bosnia-Herzegovina (Geneva, 30 July 1993) has only borne out the Yugoslav position on an premature recognition of the "Republic of Bosnia-Herzegovina" (despite of the fact that no legally relevant condition was fulfilled), and the illegitimacy of Alija Izetbegovic and other organs of the "Republic of Bosnia-Herzegovina" (who have not established an effective power over the whole territory and population of the former Yugoslav republic Bosnia-Herzegovina for a single moment).

This position is gaining increasing acceptance in international political and professional circles.

7. B) The legally relevant facts, which could provide the basis for the indication of provisional measures, is, inter alia, the evidence related to the attribution of acts of genocide to a State. Who has real control over the territory on which the alleged acts of genocide were committed and who are the perpetrators of these acts or the acts described in Article III of the Genocide Convention are the relevant questions.

8. At the same time two State entities have appeared on the territory of the former Yugoslav Republic of Bosnia and Herzegovina: the Republic of Srpska and the so-called Republic of Bosnia and Herzegovina. The first of them, the Republic of Srpska, is recognized only as a *de facto* government. The other State, the so-called Republic of Bosnia and Herzegovina was recognized prematurely at the time when customary international conditions for the recognition were not fulfilled.⁴ It seems that a third State entity, that of Herzeg-Bosna, appeared in the last few months by way of separation from the so-called Republic of Bosnia and Herzegovina. The leaders of the three State entities are recognized by the United Nations and the European Community as equal participants at the Geneva negotiations which began on 27 July 1993.

9. All three new State entities are equally independent. The Republic of Srpska demonstrated its independence during the session of the Republic's Assembly held on 4 and 5 May 1993. In spite of the fact that the President of the FR of Yugoslavia

⁴ See the Annex I.

Mr. Dobrica Cosic, the President of the Republic of Serbia Mr. Slobodan Milosevic, the President of the Republic of Montenegro Mr. Momir Bulatovic and the Prime Minister of the Republic of Greece Mr. Constantin Mitsotakis, called on the Assembly to accept the Vance-Owen Plan for Bosnia and Herzegovina, the Assembly rejected their call and decided that the said Plan be put to the referendum of the citizens of the Republic of Srpska. As is well known, after the decision of the Assembly, the FR of Yugoslavia adopted certain economic measures against the Republic of Srpska. In view thereof, it is far from accurate that the authorities and population of the Republic of Srpska are agents and surrogates of the FR of Yugoslavia. To contend that about 1.5 million people who declared themselves in a number of referendums in favour of their own State are agents and surrogates of a foreign State serves only to question the sincerity of those who make such contentions.

10. Following the withdrawal of the Yugoslav People's Army in May 1992, the FR of Yugoslavia has had no organ on the territory of the former Yugoslav Republic of Bosnia and Herzegovina. Since three independent State entities have been formed on the said territory, the FR of Yugoslavia cannot exercise any power on that territory. The acts or failures to act of the three State entities cannot be attributed to the FR of Yugoslavia.

11. The FR of Yugoslavia has not directed, supported or influenced anybody to exercise the crime of genocide or any act described by Article III of the Genocide Convention against the Muslim population of Bosnia and Herzegovina or against any other

national, ethnical or religious group. There is no evidence to corroborate the allegation, while evidence is abundant in support of quite a different attitude of the Yugoslav State. Substantial humanitarian aid to towns and areas under the control of the authorities of the so-called Republic of Bosnia and Herzegovina is being shipped from and through the territory of the Yugoslav State with the permission of the competent Yugoslav organs. A large number of refugees of Muslim nationality have fled to the territory of Yugoslavia or through its territory to other countries. A number of the Muslim children or students who fled Bosnia and Herzegovina attend Yugoslav schools and universities. A number of wounded Muslim soldiers and civilians are treated in Yugoslav hospitals. If the Yugoslav State had any genocidal intent towards the Muslim ethnic group, would the said facts be possible?

12. The request for the indication of the provisional measures submitted by the Applicant State is not legally based, since the Applicant State has provided no new legally relevant fact and the Federal Republic of Yugoslavia considers that the Second Request for the indication of provisional measures is not based on Article 75, para 3, of the Rules of the Court, and therefore it requests the Court to reject the Second Request.

13. C) The intent of the Applicant State is not to protect the Muslim population of Bosnia and Herzegovina, rather than that, its principal aim is to establish a unitary State of the so called Republic of Bosnia and Herzegovina on the whole territory of the former Yugoslav Republic of Bosnia and Herzegovina against the will of the Serbs and Croats of Bosnia

and Herzegovina.

At the time when the Geneva negotiations began and when the leaders of the three State entities reached the constitutional agreement on the Union of three Republics, on 30 July 1993, the so-called Republic of Bosnia and Herzegovina requested the Court to indicate the provisional measures which would have contrary effects. It could not be legally acceptable. The intent of the Applicant State is, it is becoming even more obvious, to break and occupy the Republic of Srpska by armed help from outside.

14. Prominent statesmen have recognized the fact that the war in Bosnia and Herzegovina is an internal, inter-ethnic and inter-religious conflict between three national groups.⁵ The war was caused by the dispute of the three national groups over the nature of internal relations between them and by the intent of the authorities of the so-called Republic of Bosnia and Herzegovina to impose its solution by force.

15. The tragedy of all national, ethnical and religious groups of Bosnia and Herzegovina is enormous. But is there anybody who does not know that the prolongation of the war means the extension of the suffering of Serbs, Croats, Muslims and others living on that territory. Yet, the Applicant State is persistent in asking the Court to legalize a foreign armed intervention. Since this is an obvious case of the abuse of the right of request for the indication of provisional measure, the Court ought not to indicate provisional measures requested under No. 1 to No. 10.

16. D) If the provisional measures, requested by the

⁵ See Annex I.

Applicant State, were indicated, they would prolong the civil, inter-ethnic and inter-religious war. The prolongation of the war would ensue in the commission of new acts of genocide against the Serb people in Bosnia and Herzegovina. In the last few weeks the military forces of the Applicant State committed new acts of genocide by destroying Serb villages and killing their inhabitants. The evidence thereon is contained in the second Request for the indication of provisional measures which will be filed by the Respondent State.

17. E) The reason for the indication of provisional measures is to provide legal possibility, available to both parties and the Court, to prevent, pending the final settlement of a dispute, the deterioration of that dispute. The provisional measures are instituted under Article 41 of the Statute of the Court "to preserve the respective rights of either party". They can be indicated to prevent illegal acts and omissions in a process of commission or acts and omissions which can be committed in future. They cannot be used to remove the consequences of alleged or real illegal acts and omissions. Consequences of international delict are removed exclusively by the judgement of the Court.

18. The existence of the three State entities (the Republic of Srpska, the so called Republic of Bosnia and Herzegovina and Herzeg-Bosna) on the territory of the former Yugoslav Republic of Bosnia and Herzegovina is the fact. The provisional measures could not be directed to negate or change that fact. By their nature, they should look to the future not to the past.

19. F) Some of the provisional measures, like the one

requested under No. 3, have the character of a judgment. They are intended to legally resolve the subject-matter of the dispute. Disputes are settled with judgements, not by provisional measures. (*Chorzow Factories Case, P.C.I.J. Series A, No. 12, p. 10.*)

20. G) The Court ought not to indicate the provisional measure requested under letter "F", because it has no basis in the Rules of the Court. Article 75, para. 1, of the Rules of the Court reads:

"The Court may at any time decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures which ought to be taken or complied by any or all of the parties."

Consequently, for a decision which the Court may take **proprio motu**, the request of a party is superfluous. The FR of Yugoslavia sees no justification for the Court to keep the situation under daily review, all the more so since the Security Council, acting under Chapter VII of the Charter of the United Nations, remains seized with the overall situation. Since such a request is not based on the Rules of the Court it ought not to be accepted.

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21. The Applicant State amended, by the written submission dated 4 August 1993, its Second Request in the following way:

"I hereby amend:
Our Second Request for an indication of Provisional Measures of 27th July 1993 ('The Second Request') and our outstanding Request for an immediate hearing thereof by submitting a request for an

immediate Order without hearing pursuant to the Second Request, in accordance with Article 75 (1) of the Rules of the International Court of Justice."

22. The Federal Republic of Yugoslavia requests the Court to reject the Amended Second Request for the reasons stated above and because it is not based on the Rules of the Court.

23. The Federal Republic of Yugoslavia requests the Court to reject the Amended Second Request for the reasons stated above and because it is not based on the Rules of the Court. As well as because it is contrary to the well-established practice of the Court. The indication of provisional measures on the basis of the Amended Second Request is legally impossible. An Applicant State cannot base its Request for the indication of provisional measures on Article 75, para. 1, of the Rules of the Court because, according to the said rule, "the Court may at any time decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures..."

According to the said rule, it is the Court that has the power to act, not an Applicant State. And the Court acts **proprio motu**, not at a request of a party. A Party may to base its request for the indication of provisional measures only on Article 73, para. 1, and possible on Article 75 para. 3 of the Rules of the Court. According to Article 74, para. 3, of the Rules of the Court, if a Party has made a request for the indication of provisional measures, "the Court, or the President ... shall fix a date for a hearing which will afford the parties an opportunity of being represented at it." There is no legal provision according to which the Court could decide on a request made by a Party without affording an opportunity to the opposite party to be heard.

Consequently, since the Amended Second Request is not based on the Rules of the Court, and since it is contrary to the well established practice of the Court, the Court ought to reject it.

24. The Federal Republic of Yugoslavia does not wish to discuss the allegation contained in the written submission dated 4 August 1993, because they are outside the jurisdiction of the Court. Only as an information for the Court, legally irrelevant to the Case (except some parts of the first document related to the continuity of the international personality of Yugoslavia), enclosed to the Observations as annexes are the following documents: Declaration adopted by the Federal Assembly on 27 April 1992,⁶ , Interview of the President of the FR of

Yugoslavia Mr. Zoran Lilic to Tanjug News Agency on 8 August 1993,⁷ Statements of the Yugoslav Government of 5 August 1993,⁸ and the Statement of the British Brigadier-General, Vere Hayes, UNPROFOR chief of staff, carried by the Reuters on 4 August 1993.⁹

Belgrade , 9 August 1993


Rodoljub Etinski

Agent of the FR of Yugoslavia

⁶ See Annex II.

⁷ See Annex III.

⁸ See Annex IV.

⁹ See Annex V.

Annex I

STATEMENTS CONCERNING THE PREMATURE RECOGNITION OF AND CIVIL WAR IN THE FORMER YUGOSLAV REPUBLIC BOSNIA-HERZEGOVINA

British Defence Minister, **M. Rifkind** said that NATO would not resort to military intervention to stop the bloodshed in former Yugoslavia. He added that there was no aggressor to be driven out of Bosnia and assessed that the Bosnian conflict was characterized by elements of civil war.

According to Rifkind even though the international community considers Belgrade responsible for much of the bloodshed the current fighting is going on among various Bosnian groups of Serbs, Croats and Muslims.(REUTERS, 16 February 1993)

* * *

Henry Kissinger:

"An understanding of the situation we face in Bosnia must begin with a definition of what is not at stake there.

It is a three-sided civil war, not an invasion of a sovereign country by neighbour.

...

It is not a holocaust in the German sense, and not only because the number of casualties is mercifully not comparable to the Nazi crimes. The Holocaust represented a Nazi attempt, in pursuit of warped racial theories, to exterminate a peaceful minority. The Bosnian atrocities - appalling and inexcusable as they are - represent the barbaric methods of Balkan civil war which, with a few interruptions, have been going on for centuries.

...

In making that judgment, it is important to understand that Bosnia has never been nation; there is no Bosnian ethnic group or specifically Bosnian cultural identity. Located at the intersection of the Muslim, Greek Orthodox and Catholic religions and at the dividing line between the Ottoman and the Habsburg empires, Bosnia-Herzegovina has been the no man's land where nationalities displaced by endless Balkan wars were thrown together.(THE WASHINGTON POST, 16 May 1993)

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US Secretary of State, **W. Christopher** considers that by its early recognition of the former Yugoslav republics of Croatia and Bosnian-Herzegovina as independent States, Germany is responsible for the outbreak of the civil war in the region. In his interview to the American magazine "US Today" he said that serious mistakes had been made in the whole process of the early recognition, and that the Germans were responsible in particular for that since they had pressurized their partners and the EC.(AP, 17 June 1993)

DECLARATION

THE REPRESENTATIVES OF THE PEOPLE OF THE REPUBLIC OF SERBIA AND THE REPUBLIC OF MONTENEGRO,

- EXPRESSING THE WILL OF THE CITIZENS OF THEIR RESPECTIVE REPUBLICS TO STAY IN THE COMMON STATE OF YUGOSLAVIA;

- ACCEPTING ALL BASIC PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND THE CSCE HELSINKI AND PARIS CHARTERS, AND PARTICULARLY THE PRINCIPLES OF PARLIAMENTARY DEMOCRACY, MARKET ECONOMY AND RESPECT FOR HUMAN RIGHTS AND THE RIGHTS OF NATIONAL MINORITIES;

- REMAINING STRICTLY COMMITTED TO A PEACEFUL RESOLUTION OF THE YUGOSLAV CRISIS,

WISH TO STATE IN THIS DECLARATION THEIR VIEWS ON THE BASIC, IMMEDIATE AND LASTING OBJECTIVES OF THE POLICY OF THEIR COMMON STATE, AND ON ITS RELATIONS WITH THE FORMER YUGOSLAV REPUBLICS.

IN THAT REGARD, THE REPRESENTATIVES OF THE PEOPLE OF THE REPUBLIC OF SERBIA AND THE REPUBLIC OF MONTENEGRO DECLARE:

1. THE FEDERAL REPUBLIC OF YUGOSLAVIA, CONTINUING THE STATE, INTERNATIONAL LEGAL AND POLITICAL PERSONALITY OF THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA, SHALL STRICTLY ABIDE BY ALL THE COMMITMENTS THAT THE SFR OF YUGOSLAVIA ASSUMED INTERNATIONALLY IN THE PAST.

AT THE SAME TIME, IT SHALL BE READY TO FULLY RESPECT THE RIGHTS AND INTERESTS OF THE YUGOSLAV REPUBLICS WHICH DECLARED INDEPENDENCE. THE RECOGNITION OF THE NEWLY-FORMED STATES WILL FOLLOW AFTER ALL THE OUTSTANDING QUESTIONS NEGOTIATED ON WITHIN THE CONFERENCE ON YUGOSLAVIA HAVE BEEN REGULATED.

REMAINING BOUND BY ALL OBLIGATIONS TO INTERNATIONAL ORGANIZATIONS AND INSTITUTIONS WHOSE MEMBER IT IS, THE FEDERAL REPUBLIC OF YUGOSLAVIA SHALL NOT OBSTRUCT THE NEWLY-FORMED STATES TO JOIN THESE ORGANIZATIONS AND INSTITUTIONS, PARTICULARLY THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

THE FR OF YUGOSLAVIA SHALL RESPECT AND FULFIL THE RIGHTS AND OBLIGATIONS THE SFR OF YUGOSLAVIA ASSUMED VIS-A-VIS THE TERRITORIES OF KRAJINA WHICH HAVE BEEN PLACED, WITHIN THE FRAMEWORK OF THE UNITED NATIONS PEACE-KEEPING OPERATION, UNDER THE PROTECTION OF THE WORLD ORGANIZATION.

THE FEDERAL REPUBLIC OF YUGOSLAVIA ALSO REMAINS READY TO NEGOTIATE, WITHIN THE CONFERENCE ON YUGOSLAVIA, ON ALL PROBLEMS RELATED TO THE DIVISION OF ASSETS, WHICH MEANS BOTH TO ASSETS AND DEBTS ACQUIRED JOINTLY. IN CASE OF A DISPUTE REGARDING THESE ISSUES, THE FEDERAL REPUBLIC OF YUGOSLAVIA SHALL BE READY TO ACCEPT THE ARBITRATION OF THE PERMANENT COURT OF ARBITRATION IN THE HAGUE.

2. THE DIPLOMATIC AND CONSULAR MISSIONS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ABROAD SHALL CONTINUE WITHOUT INTERRUPTION TO PERFORM THEIR FUNCTIONS OF REPRESENTING AND PROTECTING THE INTERESTS OF YUGOSLAVIA.

UNTIL FURTHER NOTICE, THEY SHALL CONTINUE TO TAKE CARE OF ALL THE ASSETS OF YUGOSLAVIA ABROAD.

THEY SHALL ALSO EXTEND CONSULAR PROTECTION TO ALL NATIONALS OF THE SFR OF YUGOSLAVIA WHENEVER THEY REQUEST THEM TO DO SO UNTIL A FINAL REGULATION OF THEIR NATIONALITY STATUS.

THE FEDERAL REPUBLIC OF YUGOSLAVIA RECOGNIZES, AT THE SAME TIME, THE FULL CONTINUITY OF THE REPRESENTATION OF FOREIGN STATES BY THEIR DIPLOMATIC AND CONSULAR MISSIONS IN ITS TERRITORY.

3. THE FR OF YUGOSLAVIA IS INTERESTED IN THE RECONSTRUCTION OF ECONOMIC, TRANSPORT, ENERGY AND OTHER FLOWS AND TIES IN THE TERRITORY OF THE SFR OF YUGOSLAVIA. IT IS READY TO MAKE ITS FULL CONTRIBUTION TO THAT END.

Annex III

Statement of Mr. Lilic, the President of the FR of Yugoslavia

The President of the FR of Yugoslavia said that, by the establishment of peace in Bosnia-Herzegovina, the last condition is being fulfilled for the lifting of the blockade. The FR of Yugoslavia is doing all it can to bring about peace in Bosnia-Herzegovina. The isolation of an entire people and a State by the international community for something taking place outside the borders of that State has no precedent in contemporary political history.

Unfortunately, we are not in the situation to solve the Bosnian problem all by ourselves. All that the FR of Yugoslavia could have done, the FR of Yugoslavia has done - it invested maximum efforts to bring about a quicker political solution. The world has not understood that thus far. It is only now that it has finally began to understand all the seriousness to put us in total isolation. This change in its understanding is important and I am confident that it represents a first big step towards a gradual normalization of the relations of the FR of Yugoslavia with the world - towards the lifting of sanctions and the return of our country to international economic, political, scientific and other flows. This is our priority task.

The blockade of the FR of Yugoslavia has affected very seriously its neighbours as well. It has thwarted the flow of goods and money and disrupted the principal transport routes between East and West. If the Geneva talks are concluded successfully, I believe that developments will take a different tack and that the logic of economic interests will prevail in the relations among all countries in this part of Europe. President Lilic went on to say that he was confident that however negative an impact the sanctions may have had on Yugoslavia's relations with these countries, they have not damaged its relations with neighbouring peoples.

President Lilic pointed out that the Geneva talks demonstrated unequivocally that the nationalism and religious intolerance of some Muslim leaders had prevailed over the most vital interests of their own people. As far as the Bosnian Serb side is concerned, it can only benefit from the dilemma that is gradually emerging in the international public opinion that the "aggressor" may indeed be the victim.

It is upon the FR of Yugoslavia to continue to invest every effort to bring about an early end to the war in Bosnia-Herzegovina. But to reach an agreement it is necessary to have at least two, and in this case, three sides. Precisely for these reasons the hints of a possible military intervention, initiated by the United States, are far from being conducive to the solution that we are in favour of. A military action, even most limited in scope,

against responsible Bosnian Serbs, as written in NATO documents, does not, I am deeply convinced, solve the problem, all the more so since the Geneva negotiations have yielded the most fruitful results thus far. (TANJUG, 8 August 1993)

Annex IV

Statement of Yugoslav Government concerning the Peace Talks on Bosnia-Herzegovina

On Thursday, the Yugoslav Government addressed an appeal to all three warring sides in former Bosnia-Herzegovina to invest all their efforts towards the continuation and successful conclusion of the peace process within the Geneva Conference. Concern was expressed at the Government session, presided over by Prime Minister R. Kotic, that the Geneva talks have come to a standstill which could encourage extremist and other militant forces who stand for a war option in the resolution of the Yugoslav crisis.

The Government underscored that the standstill in the talks among three peoples in Bosnia-Herzegovina was a result, first and foremost, of the influence of certain members of international community who are encouraging with their actions the Muslim side to block the peace talks and opt for military solution.

The FR of Yugoslavia, on its part, continues to be actively involved in the Geneva peace talks in order to bring about a quick and just solution to the crisis in the territory of Bosnia-Herzegovina. (TANJUG, 5 August 1993)

Annex V

A U.N. general in Bosnia-Herzegovina said wednesday the Moslem offensive, and not Serbs assaults, were preventing humanitarian aid from reaching Sarajevo.

As Reuters reported, British brigadier general Vebe Hayes, who is chief of staff of UNPROFOR in Bosnia, said the media represented the Serb attacks on mount Igman as an attempt to strangle Sarajevo and prevent inflow of humanitarian aid.

"If you are talking about strangling Sarajevo and getting humanitarian aid through, the crucial thing that is blocking that is the Bosnian (Moslem) offensive in Central Bosnia, which is blocking the only road up which humanitarian aid can be brought by anybody", gen. Hayes told Reuters.

The Serb attacks on mount Igman only threatened the chief Moslem military supply line into Sarajevo, he said.

Gen. Hayes' statement was issued after a meeting at Sarajevo airport between UNPROFOR commander for Bosnia-Herzegovina, gen. F. Briquemont and commander of Bosnian Serb forces, gen. R. Mladic. (TANJUG, 4 August 1993)