

# INTERNATIONAL LEGAL MATERIALS

Volume XLI (2002)

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INTRODUCTORY NOTE TO AGREEMENT ON SUCCESSION ISSUES BETWEEN THE FIVE  
SUCCESSOR STATES OF THE FORMER STATE OF YUGOSLAVIA,  
BY SIR ARTHUR WATTS KCMG QC\*  
+Cite as 41 ILM 1 (2002)+

### Historical Background

The former State of Yugoslavia (formally the Socialist Federal Republic of Yugoslavia, or SFRY) broke up in 1991-1992. First Slovenia and Croatia (in June 1991), then Macedonia in November 1991, and then Bosnia and Herzegovina in March 1992, asserted their independence. Of the former Republics constituting the SFRY only Serbia and Montenegro (with the autonomous provinces of Kosovo and Vojvodina) were left: they reconstituted themselves as the Federal Republic of Yugoslavia in April 1992. This process of disintegration was accompanied by some resort to armed force, culminating in the extensive hostilities in Bosnia and Herzegovina lasting until the Dayton Peace Agreement was initialed in November 1995 and formally concluded in Paris in December 1995.<sup>1</sup>

### International Conferences on Yugoslavia

International talks aimed at resolving the consequences of the break-up of Yugoslavia began with the EC Conference on Yugoslavia in 1991.<sup>2</sup> This Conference was replaced by the UN/EC International Conference on Former Yugoslavia (ICFY) which met in London in August 1992.<sup>3</sup> The Statement of Principles adopted by the latter Conference endorsed the principle that a final settlement of all questions of succession to the former SFRY must be reached by consensus or arbitration.<sup>4</sup> The Conference established various working groups to assist with this task, including a Succession Issues Working Group.<sup>5</sup> Much useful work was done, but no agreement was reached. Work within the ICFY framework petered out in late 1994 and early 1995 as the conflict in Bosnia and Herzegovina intensified.

### The High Representative for Bosnia and Herzegovina

With conclusion of the Dayton Peace Agreement in late 1995 a further Conference was held in London. This confirmed the appointment of a High Representative to oversee the implementation of the civilian aspects of the peace settlement. It also brought ICFY to an end and decided that the ICFY work on succession issues would continue as part of the High Representative's functions.<sup>6</sup> In March 1996, the High Representative appointed a Special Negotiator for Succession Issues — in effect, an international mediator — to undertake this work.

### Succession Negotiations and Eventual Settlement

Meanwhile — outside the mediation process and the former Conference procedures — some aspects of Yugoslav succession were already being settled, even if in some cases only provisionally. Thus, in late 1992 and early 1993 decisions were taken by the EBRD, IMF and IBRD regarding Yugoslavia's members of and holdings in those organisations. Separate bilateral agreements were also reached between each of the former Yugoslav States (except the FRY) and the "London" and "Paris" Clubs of commercial and governmental creditors, disposing of the bulk of former Yugoslavia's State financial liabilities. Other matters effectively dealt with outside the mediation process included succession to treaties (dealt with by each State for itself), citizenship (dealt with by separate legislation in each State), and membership of the U.N.<sup>7</sup>

The disposition of the SFRY's other liabilities and the bulk of its assets remained unsettled. External assets were protected by the freezing of former Yugoslav assets pursuant to the sanctions imposed by Security Council Resolution 757 (1992). Although sanctions were in principle suspended by Security Council Resolution 1022 (1995)

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\* Sir Arthur Watts KCMG QC, a practising barrister in London, UK, was the Special Negotiator for Succession Issues from March 1996 until the conclusion of the Agreement on Succession Issues in June 2001.

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