



**United Nations  
Environment  
Programme**



UNEP/BUR/54/3/Add.1  
28 April 1999

Original: ENGLISH

---

---

**MEDITERRANEAN ACTION PLAN**

Meeting of the Bureau of the Contracting Parties  
to the Convention for the Protection of the  
Mediterranean Sea against Pollution and its protocols

Athens, 29-30 April 1999

**PROGRESS REPORT BY THE COORDINATOR ON ACTIVITIES CARRIED OUT  
SINCE THE LAST MEETING OF THE BUREAU OF THE CONTRACTING PARTIES  
INCLUDING DRAFT RECOMMENDATIONS ON SPECIFIC ACTIVITIES  
(November 1998 - April 1999)**

A. Outstanding Contributions of the former Yugoslavia

1. Concerning the issue of outstanding contribution of the former Yugoslavia, and in accordance with the Secretariat promises to submit to the Bureau during the present meeting more information on this issue, including the experience of other organizations facing the same situation, the Secretariat is submitting information received from the legal department of UNEP for the consideration of the Bureau:
  - a. In considering the case of the Czech and Slovak Republics, it appears that the two countries agreed to split the debt of the former Czechoslovakia on the basis of 1/3 - 2/3 split respectively.
  - b. Concerning the present case of the former Yugoslavia, and as noted in Security Council resolutions 757 (1992) and 777 (1992), the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist. The claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted. The General Assembly, in its resolution 47/1 of 22 September 1992, considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Republic of Yugoslavia in the United Nations, and therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly.
  - c. It is understood that the above was the basis for the Bureau of the Contracting Parties to the Barcelona Convention, at its meeting on 2 and 3 November 1994, to decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) must be accepted first as a member of the United Nations and they could apply membership of the Barcelona Convention following accepted procedure. Consequently, "Yugoslavia" has been removed from the list of the Parties provided by the depositary.
  - d. With regard to the outstanding contributions of the former Socialist Federal Republic of Yugoslavia, since that state has ceased to exist, and the claim by the Federal Republic of Yugoslavia to continue the membership of the Socialist Federal Republic of Yugoslavia has been denied by the Parties to the Barcelona Convention, the Federal Republic of Yugoslavia is not obligated to honour the financial obligation of the former Socialist Federal Republic of Yugoslavia under the Barcelona Convention.
  - e. Regarding the other former Yugoslav republics that are parties to the Barcelona Convention, i.e. Bosnia and Herzegovina, Croatia and Slovenia, the information from the depositary shows that there are two different types of formalities through which they have become parties: Bosnia and Herzegovina and Croatia have become parties to the Convention by succession, while Slovenia has become a party through accession. In the case of the latter (accession), Slovenia has been admitted as a new party, and it does not have any obligation to pay contributions which were due from the former Socialist Federal Republic of Yugoslavia.

- f. According to the information from the depositary, Bosnia and Herzegovina and Croatia deposited the notification of succession with the depositary, with the declaration that the Convention entered into force for the former on 1 March 1992 and for the latter on 8 October 1991. From the dates on which the respective States have become parties and contributors to the Convention, the question of payment by them of the outstanding contributions of the Socialist Federal Republic of Yugoslavia would not arise. For the period before entry into force of the Convention to them, obviously there was no obligation to them to pay such contributions.
  - g. In conclusion, unless the Contracting Parties admits the Federal Republic of Yugoslavia to "continue" the membership of the Convention of the former Socialist Federal Republic of Yugoslavia, there is no basis to demand any State to pay the outstanding contributions from the former Socialist Federal Republic of Yugoslavia.
  - h. If it is the intention to "keep the issue under track", without waiving the unpaid contributions by the former Socialist Federal Republic of Yugoslavia, an option could be to keep the membership of "Yugoslavia" and leave room for the Federal Republic of Yugoslavia to claim the continuity of the membership thereby oblige itself to settle the unpaid contributions incurred by the former Socialist Federal Republic of Yugoslavia. It should also be noted that it is the position of the UN Secretariat that in spite of General Assembly resolution 47/1, the membership of Yugoslavia in the United Nations remains.
2. Considering the above-mentioned facts, and as far as the issue of the legal succession of the former Yugoslavia has not been solved by the countries concerned (Croatia, Bosnia & Herzegovina, Slovenia and the Federal Republic of Yugoslavia), the Secretariat is of the opinion that the existing debt of US\$ 469,976 can not be waived by MAP at this stage.

### **Recommendation**

**The Bureau might wish to request the Secretariat to continue its efforts concerning the issue of outstanding contributions of the former Yugoslavia, and inform the Bureau of any development.**

B. Process of selection of members of the Mediterranean Commission on Sustainable Development (MCSD)

1. In accordance with the terms of reference of the MCSD, the duration of membership of the 36 members of the Commission shall be as follows:
  - a. all Contracting Parties to the Barcelona Convention shall be permanent members of the Commission (21);
  - b. representatives from each of the three categories (local authorities, socio-economic actors and non-governmental organizations), shall be selected for a duration of two years by the meeting of the contracting Parties (15).
2. The forthcoming Ordinary Meeting of the Contracting Parties (Malta, 27-30 October 1999) will have to nominate the 15 members of the Commission, other than those representing the Contracting Parties.
3. The Bureau may wish to exchange views on the issue of nomination of the 15 members of the Commission with a view to advising the meeting of the Contracting Parties on this issue.