

AGREEMENT ON SUCCESSION ISSUES

Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia and the Federal Republic of Yugoslavia, being in sovereign equality the five successor States to the former Socialist Federal Republic of Yugoslavia,

Mindful of the need, in the interests of all successor States and their citizens and in the interests of stability in the region and their mutual good relations, to resolve questions of State succession arising upon the break-up of the former Socialist Federal Republic of Yugoslavia,

Having held discussions and negotiations under the auspices of the International Conference on Former Yugoslavia and the High Representative with a view to identifying and determining the equitable distribution amongst themselves of rights, obligations, assets and liabilities of the former Socialist Federal Republic of Yugoslavia,

Acting within the framework of the mandate given to the High Representative by the Decision of the Peace Implementation Conference held in London, 8-9 December 1995, and in the light of agreements between the successor States and the Declarations adopted by the Peace Implementation Council and its Steering Board,

Bearing in mind the acknowledgement by the Security Council in its Resolution 1022(1995) of the desirability of a consensual solution to outstanding succession issues,

Confirming the decision reached on 10 April 2001 concerning the distribution of the former SFRY's assets held at the Bank for International Settlements (the text of which decision is appended to this Agreement),

Demonstrating their readiness to co-operate in resolving outstanding succession issues in accordance with international law,

Have agreed as follows:

Article 1

For the purposes of this Agreement "SFRY" means the former Socialist Federal Republic of Yugoslavia.

Article 2

Each successor State acknowledges the principle that it must at all times take the necessary measures to prevent loss, damage or destruction to State archives, State property and assets of the SFRY in which, in accordance with the provisions of this Agreement, one or more of the other successor States have an interest.

Article 3

The Annexes listed below set out the terms on which the subject matter of each Annex is settled:

[Annex A](#): Movable and immovable property;

[Annex B](#): Diplomatic and consular properties;

[Annex C](#): Financial assets and liabilities (other than those dealt with in the Appendix to this Agreement);

[Annex D](#): Archives;

[Annex E](#): Pensions;

[Annex F](#): Other rights, interests, and liabilities;

[Annex G](#): Private property and acquired rights.

Article 4

- (1) A Standing Joint Committee of senior representatives of each successor State, who may be assisted by experts, is hereby established.
- (2) This Committee shall have as its principal tasks the monitoring of the effective implementation of this Agreement and serving as a forum in which issues arising in the course of its implementation may be discussed. The Committee may as necessary make appropriate recommendations to the Governments of the successor States.
- (3) The first formal meeting of the Standing Joint Committee shall be convened, at the initiative of the Government of the Republic of Macedonia, within two months of the entry into force of this Agreement. The Committee may meet informally, and on a provisional basis, at any times convenient to the successor States after the signature of this Agreement.
- (4) The Committee shall establish its own rules of procedure.

Article 5

- (1) Differences which may arise over the interpretation and application of this Agreement shall, in the first place, be resolved in discussion among the States concerned.
- (2) If the differences cannot be resolved in such discussions within one month of the first communication in the discussion the States concerned shall either
 - (a) refer the matter to an independent person of their choice, with a view to obtaining a speedy and authoritative determination of the matter which shall be respected and which may, as appropriate, indicate specific time-limits for actions to be taken; or
 - (b) refer the matter to the Standing Joint Committee established by Article 4 of this Agreement for resolution.
- (3) Differences which may arise in practice over the interpretation of the terms used in this Agreement or in any subsequent agreement called for in implementation of the Annexes to this Agreement may, additionally, be referred at the initiative of any State concerned to binding expert solution, conducted by a single expert (who shall not be a national of any party to this Agreement) to be appointed by agreement between the parties in dispute or, in the absence of agreement, by the President of the Court of Conciliation and Arbitration within the OSCE. The expert shall determine all questions of procedure, after consulting the parties seeking such expert solution if the expert considers it appropriate to do so, with the firm intention of securing a speedy and effective resolution of the difference.
- (4) The procedure provided for in paragraph (3) of this Article shall be strictly limited to the interpretation of terms used in the agreements in question and shall in no circumstances permit the expert to determine the practical application of any of those agreements. In particular the procedure referred to shall not apply to
 - (a) The Appendix to this Agreement;
 - (b) Articles 1, 3 and 4 of Annex B;
 - (c) Articles 4 and 5(1) of Annex C;
 - (d) Article 6 of Annex D.
- (5) Nothing in the preceding paragraphs of this Article shall affect the rights or obligations of the Parties to the present Agreement under any provision in force binding them with regard to the settlement of disputes.

Article 6

The Annexes to this Agreement and the Appendices to the Agreement and Annexes are an integral part of the Agreement.

Article 7

This Agreement, together with any subsequent agreements called for in implementation of the Annexes to this Agreement, finally settles the mutual rights and obligations of the successor States in respect of succession issues covered by this Agreement. The fact that it does not deal with certain other non-succession matters is without prejudice to the rights and obligations of the States parties to this Agreement in relation to those other matters.

Article 8

Each successor State, on the basis of reciprocity, shall take the necessary measures in accordance with its internal law to ensure that the provisions of this Agreement are recognised and effective in its courts, administrative tribunals and agencies, and that the other successor States and their nationals have access to those courts, tribunals and agencies to secure the implementation of this Agreement.

Article 9

This Agreement shall be implemented by the successor States in good faith in conformity with the Charter of the United Nations and in accordance with international law.

Article 10

No reservations may be made to this Agreement.

Article 11

- (1) This Agreement shall be subject to ratification.
- (2) Instruments of ratification shall be lodged as soon as possible with the Depositary identified in Article 13 of this Agreement. The Depositary shall inform the successor States and the Office of the High Representative of the date of deposit of each instrument of ratification.

Article 12

- (1) This Agreement shall enter into force thirty days after the deposit of the fifth instrument of ratification. The Depositary shall notify the successor States, and the Office of the High Representative, of the date of entry into force.
- (2) Notwithstanding paragraph (1) of this Article, Article 4 (3) of this Agreement, Article 5 of Annex A, Articles 1 and 5-6 of Annex B, and Article 6 of, and the Appendix to, Annex C, shall be provisionally applied after the date of signature of this Agreement, in accordance with their terms.

Article 13

- (1) One original copy of this Agreement shall be deposited by the High Representative with the Secretary-General of the United Nations, who shall act as Depositary.
- (2) The Depositary shall, upon entry into force of this Agreement, ensure its registration in accordance with Article 102 of the Charter of the United Nations.

Done at Vienna on 29 June 2001 in seven originals in the English language, one to be retained by each successor State, one by the Office of the High Representative, and one to be deposited with the Depositary.

For Bosnia and Herzegovina

For the Republic of Croatia

For the Republic of Macedonia

For the Republic of Slovenia

For the Federal Republic of Yugoslavia

Appendix to Agreement on Succession Issues

BIS Assets

1. The five Delegations participating as equal successor States in the negotiations to resolve issues of succession arising upon the break-up of the SFRY have agreed (further to arrangements previously made on behalf of the National Banks of the successor States) that the former SFRY's assets (gold and other reserves, and shares) held at the Bank for International Settlements shall be divided between them in the following proportions:

Bosnia and Herzegovina	13.20%
Croatia	28.49%
Macedonia	5.40%

Slovenia	16.39%
Federal Republic of Yugoslavia	36.52%

2. The agreement of the five Delegations to the foregoing distribution is given on the basis of the understandings reached at the meetings held on 21-23 February and 9-10 April 2001 and is entirely without prejudice to what may be agreed as regards the distribution of any other assets.

Brussels, 10 April 2001

D. M.

B. J.