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LETTER DATED 11 JANUARY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I have the honour to transmit, enclosed herewith, the reply to the letter dated 3 January 1996 from the Permanent Representative of Croatia to the United Nations addressed to you (S/1996/3).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.

Annex

There is a territorial dispute between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia, relating to the Prevlaka peninsula in the Boka Kotorska Bay. The two sides noted the existence of the dispute in Dubrovnik on 25 April 1995.

The present legal status of the disputed part of the territory incorporating the Cape Oštri Rt and a part of the Prevlaka hinterland was regulated by the Joint Declarations of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September and 20 October 1992, as well as by Security Council resolutions 779 (1992) and 981 (1995) of 6 October 1992 and 31 March 1995, respectively.

The outstanding and contentious issues in the border area between the Republic of Montenegro and the Republic of Croatia were temporarily regulated by the Joint Declaration of the President of the Federal Republic of Yugoslavia and the President of the Republic of Croatia of 30 September 1992. The legal status of the territory of Prevlaka, which has been demilitarized together with its hinterland, has been defined by agreement and the two sides have agreed that the general security of Boka Kotorska and Dubrovnik is to be solved through further negotiations. The agreement has been confirmed by the Security Council in its resolution 779 (1992), by which the United Nations assumed responsibility for monitoring the arrangements agreed and the observance of the United Nations security regime pending the reaching of a peaceful solution to the contentious issue by the two sides. Pursuant to Article 33 of the Charter of the United Nations, the Security Council called upon the sides, by adopting resolution 779 (1992) to resolve the dispute, above all, through negotiations.

During the peace negotiations held in November 1995 at Dayton, Ohio, the delegation of the Federal Republic of Yugoslavia did its utmost to reach a negotiated solution of the dispute by using the instrument of the general peace arrangement in direct contacts with the Republic of Croatia and with the presence of the representatives of the United States of America. The guarantees concerning the tripartite exchange of territories among the Republic of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia and the solution of the Prevlaka dispute in favour of the Republic of Montenegro which the Republic of Croatia provided on that occasion, are known to all participants in the proximity peace talks at Dayton. However, after the Dayton Agreement the Croatian side has called into question the agreed arrangements in a number of public statements of the most responsible representatives of the Republic of Croatia.

The Federal Republic of Yugoslavia has exhausted all existing possibilities and instruments to resolve the dispute with the Republic of Croatia through diplomatic negotiations, which it was called upon to use by the relevant Security Council resolutions. In this context, the negotiations initiated by the Assembly of the Republic of Montenegro of 8 October 1991 incorporating the proposal for negotiated delimitations with the Republic of Croatia on land and at sea in the Prevlaka region; the negotiations held at the highest level at The Hague and Brussels in the course of 1991 and 1992; the meetings and talks

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between the Ministers of the Interior of the Republic of Montenegro and the Republic of Croatia on 20 October 1992 and 28 January 1993; the direct talks between the two interested parties within the Joint Inter-State Committee between the Federal Republic of Yugoslavia and the Republic of Croatia with the presence of the special representative of the Secretary-General of the United Nations on 25 April 1995; shuttle diplomacy of the representatives of the United Nations; and, finally, the negotiations held at Dayton in November 1995, at the Conference in London on 9 December 1995 and at the Conference in Paris on 12 December 1995, did not produce the expected result.

The Federal Republic of Yugoslavia, recalling the Security Council resolutions relating to Prevlaka and the reports of the Secretary-General of 17 September 1994 and 22 March 1995, reaffirming its commitment to the peaceful solution of the dispute, in accordance with the Charter of the United Nations, once again wishes to inform the Security Council that the territorial dispute related to the Prevlaka peninsula between the Federal Republic of Yugoslavia and the Republic of Croatia has not been resolved, and requests the Security Council to call upon the Republic of Croatia to find a peaceful solution through diplomatic negotiations with the Federal Republic of Yugoslavia. In the meantime, in view of the announced ending of the United Nations mandate in the territories of the former Yugoslavia and of the possibility of a different interpretation of Security Council resolutions 779 (1992) and 981 (1995) concerning the mandate of the United Nations peace forces, the Federal Republic of Yugoslavia also requests the Security Council to regulate the question of the further continuation of the United Nations monitoring mission in the disputed area pending the final peaceful settlement of the dispute.
