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Letter dated 5 April 2000 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Upon instructions of my Government I should like to present the views of the Croatian Government regarding the issue of Prevlaka.

The Presidents of Croatia and the Federal Republic of Yugoslavia laid down the legal framework for negotiations on Prevlaka and entrusted the two delegations with a specific mandate by agreements reached on 30 September 1992 (S/24476) and 20 October 1992 (A/47/572-S/24704). Under these agreements, the two States undertook an obligation to resolve the issue of “the overall security of Boka Kotorska and Dubrovnik” and agreed that “Joint customs controls will be established on the border” in the area of Prevlaka. Furthermore, they “reaffirmed the commitments ... on the inviolability of existing borders, other than through changes reached by peaceful agreement” and agreed that “particular attention will be given to normalizing traffic and economic links”.

On 20 October 1992, senior officials of the Federal Republic of Yugoslavia verified the existing border between the two States in the Prevlaka range and agreed to establish joint customs controls on this border. More precisely, the then Prime Minister of the Federal Republic of Yugoslavia, Milan Panić, and the Joint Chief of Staff of the Yugoslav Army, Života Panić, signed a map of Prevlaka, which had been used as a reference map for negotiations. This reference map, the “Basic State Map” issued by the Federal Geodetic Administration of the Socialist Federal Republic of Yugoslavia in 1970 (1:5 000, Titograd/Beograd), contained a clearly defined existing border between the two States. The confirmation of the authenticity of this map and signatures by the United Nations officials who were involved in negotiations at the time can avert the Federal Republic of Yugoslavia from its ongoing insistence on framing the Prevlaka issue as a territorial dispute in bilateral negotiations. This would jump start the negotiations in the framework agreed upon in 1992. I would therefore like to reiterate my request that the United Nations make inquiries with its former officials and confirm the authenticity of the aforementioned map and signatures.

The original framework for bilateral negotiations was subsequently strengthened by the Agreement on Normalization of Relations between Croatia and the Federal Republic of Yugoslavia (S/1996/744). By virtue of this agreement, the parties recognized “each other as independent, sovereign and equal States within their international frontiers” (article 1), and agreed to settle the Prevlaka issue “in the spirit of the Charter of the United Nations and good-neighbourliness” and “to

respect the existing security regime established during United Nations monitoring” (article 4), until an agreement on permanent security solution was reached.

Therefore, the legal framework and mandate of the two delegations is clear: The delegations are mandated to resolve the overall security of Boka Kotorska and Dubrovnik on the basis of the principles of the inviolability of the existing border and good-neighbourliness, as well as on the Charter of the United Nations. The normalization of traffic over the existing border, for which purpose the joint customs controls should have been established, and the strengthening of economic links add specific obligations to the legal framework which demonstrate the spirit and the final aim of the negotiations.

Hitherto, the negotiations have proven that the Federal Republic of Yugoslavia has accepted only declaratively the agreed framework for negotiations and the Croatian international borders. By persisting with the artificially created territorial dispute over Prevlaka, it continues its disregard for Croatian borders and thereby stonewalls the negotiations. Such an attitude is unacceptable to my Government. It runs against the commitments of the Federal Republic of Yugoslavia to respect Croatia’s borders and the legal framework in which the issue of Prevlaka should be negotiated.

Over the years, Croatia, like a number of other actors in the international arena on other issues, has tried to find a peaceful solution for the security issue of Prevlaka with the Belgrade regime. Our efforts and appeals to the Yugoslav side to facilitate negotiations by increasing confidence among the local populations have invariably been rejected by the federal authorities of the Federal Republic of Yugoslavia. Unfortunately, this rejection was coupled with the exclusion of representatives of the Montenegrin authorities, who were supportive of reducing tensions and negotiating the issues as agreed upon, from the Yugoslav delegation. Their withdrawal testifies and adds to the implausibility of continuing negotiations within the framework that was altered unilaterally by the Federal Republic of Yugoslavia.

In the same vein, the Federal Republic of Yugoslavia’s rejection of the confidence-building measures (S/2000/268), proposed by the Secretary-General in his latest report (S/1999/1302), has not come as a surprise to my Government. The Federal Republic of Yugoslavia has continuously avoided implementing the above-mentioned agreements from 1992, particularly those parts that relate to normalizing traffic and establishing joint customs controls at the two border crossing points on the existing border. The proposal of the Secretary-General to allow, at least, a limited civilian access to the so-called Blue Zone serves as a reminder of the existing mutually assumed legal obligations of Croatia and the Federal Republic of Yugoslavia, and is certainly welcomed by my Government.

The assertion by the Federal Republic of Yugoslavia that “Croatian fishermen did not fish in the waters of Boka Kotorska Bay prior to the accession to independence by the Republic of Croatia” (S/2000/268) is utterly false. They have always fished in Boka Kotorska Bay, including during the time of the former Socialist Federal Republic of Yugoslavia, when a part of Boka Kotorska Bay was under jurisdiction of the Port Authority of Dubrovnik, Cavtat Port Office. Likewise, the landowners have cultivated their land, and those parts previously expropriated shall be returned to their owners upon the completion of relevant proceedings conducted by competent Croatian authorities. These proceedings are currently under

way. It is Croatia's view that the Secretary-General's recognition of these legitimate interests of the local population may only contribute to the stability and normalization of the area, which is the primary aim of bilateral negotiations.

Croatia remains convinced that the future lies in the normalization of relations and restoration of civilian use of the Prevlaka area on both the Croatian and Yugoslav/Montenegrin side of the international border. Together with our neighbours, who supported the opening of border crossing points on the existing border and thereafter have been unrepresented in the delegation of the Federal Republic of Yugoslavia, we cherish a vision of a stable, secure, cooperative and prosperous future for the Dubrovnik and Boka Kotorska areas. The vision of restored olive groves, fishermen's boats, snorkels and a tourist paradise is the future we want to shape with our neighbours.

I should like to request your kind assistance in distributing the present letter as a document of the Security Council.

(Signed) Ivan Šimonović
Permanent Representative
