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COMMUNICATION OF 10 SEPTEMBER 1996 RECEIVED FROM THE PERMANENT MISSION OF ALBANIA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY

1. On 12 September 1996, the Director General received a letter dated 10 September 1996 from the Permanent Mission of Albania concerning references to "Yugoslavia" as a Member State of the Agency.
2. As requested by the Permanent Mission of Albania, the text of the letter is being circulated as an official document for the fortieth regular session of the General Conference.

**TEXT OF LETTER OF 10 SEPTEMBER 1996 FROM THE PERMANENT
MISSION OF ALBANIA**

Dear Mr. Director General,

On behalf of the Permanent Mission of the Republic of Albania, I would like to draw your attention to a document of the IAEA, namely the Agency's Annual Report for 1995 (Document GC(40)/8), which has been made available to all the Member States, and which has several references that called for the political attention and consideration of this Mission.

On page iv of the said document, "Yugoslavia" is included as a Member State of the Agency in the list of all other Member States, when the status of that country is well-known to all Member States of the Agency and the whole international community.

On page 68, the Annex describing the situation of the conclusion of safeguards agreements between the Agency and non-nuclear weapon states with regard to the NPT on 31 December 1995, again the Federal Republic of Yugoslavia (Serbia and Montenegro) is listed among the states that have signed, ratified, acceded or succeeded to the NPT, the date of ratification, accession or succession being 3 March 1970.

I would like to recall the relevant United Nations Security Council Resolution 777 (1992) and the General Assembly Resolution A/47/1 of the same year, which state that the "state formerly known as the Socialist Federative Republic of Yugoslavia (SFRY) has ceased to exist" and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former SFRY in the United Nations" and require that "the FRY (Serbia and Montenegro) should apply for membership in the United Nations".

The Arbitration (Badinter) Commission of the Conference on the Former Yugoslavia found in its legal opinion No. 8 (1992) that the "...SFRY no longer existed". The same spirit prevails in legal opinions No. 9 and legal opinion No. 10 on the question of succession, which lead to the conclusion that none of the successor states alone may thereupon claim for itself alone the membership rights previously enjoyed by the former SFRY.

Also, the Agency's General Conference resolution (GC (XXXVI) 576 of 1992 decided along the same lines as the UNSC Res. and the other findings above.

With all the above in mind, the Republic of Albania wishes to reiterate that the above mentioned data and references as they appear in the Agency's Annual Report for 1995 concerning "Yugoslavia" and the RFY (Serbia and Montenegro) are not acceptable and would like to see rectified.

H.E. Mr. Hans Blix
Director General
International Atomic Energy Agency
VIENNA

GC(40)/INF/14

Attachment

page 2

I would like to kindly request you to pass this letter to the relevant department which takes care of its distribution as an official document for the upcoming regular session of the General Conference.

(signed)

Zef MAZI

Ambassador

Resident Representative to the IAEA