

19. *Requests* the Secretary-General to keep the Council regularly informed on progress reached in the investigation of the violations of international humanitarian law referred to in the report mentioned above;

20. *Decides* to remain actively seized of the matter.

After the vote, the President, speaking in his capacity as the representative of the Russian Federation, noted that the Council had again returned to the subject of violations of the norms of international humanitarian law in the former Yugoslavia. He stated that his Government's principled position remained unchanged. The Russian Federation firmly condemned any violations of international humanitarian law and human rights on the territory of the former Yugoslavia, no matter by whom or where they were perpetrated. The Russian Federation believed that the Council's reaction to such violations could not be selective or one-sided. It was satisfied therefore that the one-sided nature of the initial draft resolution had been corrected in the final text.⁴²⁹

**Decision of 21 December 1995 (3613th meeting):
resolution 1035 (1995)**

At its 3613th meeting, on 21 December 1995, the Council resumed its consideration of the item and included the report of the Secretary-General of 13 December 1995 in its agenda.⁴³⁰ Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Russian Federation) then drew the attention of the Council members to the text of a draft resolution prepared in the course of the Council's prior consultations.⁴³¹

The draft resolution was then put to the vote and adopted unanimously as resolution 1035 (1995), which reads:

The Security Council,

Recalling its resolution 1031 (1995) of 15 December 1995,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

⁴²⁹ Ibid., pp. 15-16.

⁴³⁰ S/1995/1031 and Add.1.

⁴³¹ S/1995/1049.

Having further considered the report of the Secretary-General of 13 December 1995,

1. *Approves* the report of the Secretary-General and the proposals for involvement by the United Nations in the implementation of the Peace Agreement contained therein;

2. *Decides* to establish, for a period of one year from the transfer of authority from the United Nations Protection Force to the multinational Implementation Force, a United Nations civilian police force to be known as the International Police Task Force, to be entrusted with the tasks set out in annex 11 of the Peace Agreement, and a United Nations civilian office with the responsibilities set out in the report of the Secretary-General, and to that end endorses the arrangements set out in the report of the Secretary-General;

3. *Notes with satisfaction* that the International Police Task Force and the United Nations civilian office will be under the authority of the Secretary-General and subject to coordination and guidance as appropriate by the High Representative, welcomes the Secretary-General's intention to appoint a United Nations Coordinator, and requests the Secretary-General to submit to the Council, at least every three months, reports about the work of the International Police Task Force and of the civilian office accordingly;

4. *Decides* to remain seized of the matter.

**B. The situation prevailing in and
adjacent to the United Nations
Protected Areas in Croatia**

Initial proceedings

**Decision of 25 January 1993 (3163rd meeting):
resolution 802 (1993)**

By a letter dated 25 January 1993 addressed to the President of the Security Council,⁴³² the representative of France requested the immediate convening of a Security Council meeting to consider the grave situation existing in the United Nations Protected Areas in Croatia, and especially the attacks to which the personnel of the United Nations Protection Force (UNPROFOR) in those areas had been subjected.

At its 3163rd meeting, held on 25 January 1993 in response to the request contained in that letter, the Council began consideration of the item and included that letter in its agenda. Following the adoption of the agenda, the President (Japan) drew the attention of the

⁴³² S/25156.

Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁴³³ and to a revision that had been made to the draft. He also drew the attention of the Council members to two letters dated respectively 24 and 25 January from the representatives of the Federal Republic of Yugoslavia and Croatia addressed to the President of the Security Council.⁴³⁴ In his letter, the representative of the Federal Republic of Yugoslavia transmitted a letter of the same day from the Vice-President in which the latter denounced the Croatian "aggression" against the Republic of Serbian Krajina and requested an urgent meeting of the Security Council "to condemn that aggression and order the Croatian troops to immediately stop all military operations and withdraw to their original positions". In his letter, the representative of Croatia informed the Council that "the limited action of the Croatian Police forces and Croatian Army units on the territory of Croatia —within the so-called "pink zones" — aimed at securing the perimeter of the Maslenica-bridge rebuilding site, had been terminated upon completion of its goal". His Government deplored the loss of life of members of UNPROFOR who were caught in the cross-fire during the said conflict and reiterated its view that "the legitimate authorities of one country could not be regarded as aggressors on their own territory".

Speaking before the vote, the representative of France noted that his Government had requested that the Security Council meet immediately to consider the situation created by the attack by the Croatian Army in the region of Maslenica. He contended that the offensive, which had taken place at a particularly important point in the ongoing peace process in Geneva and had cost the lives of two French soldiers serving in UNPROFOR, could only further jeopardize the implementation of the United Nations peace plan in the region. It was very important that the Security Council reacted to these events, condemned these deliberate attacks against UNPROFOR and demanded the cessation of military activities by the Croatian Army directed against UNPROFOR in the United Nations Protected Areas. The Government of France also was pleased that the Council was demanding that the parties respect the safety of United Nations personnel and that it was inviting the Secretary-

⁴³³ S/25160.

⁴³⁴ S/25154 and S/25159.

General to take all necessary steps to ensure their safety. The fundamental obligation to ensure the safety of United Nations personnel was too often disregarded by parties involved in conflicts, but it was an obligation to which the United Nations should scrupulously attend. The speaker also noted that it was no less important that the Council was calling upon the parties to cooperate with UNPROFOR to resolve questions related to the implementation of the United Nations peace plan and to refrain from any action or threat that might undermine the efforts for peace that were being made in Geneva.⁴³⁵

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 802 (1993), which reads:

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Reaffirming in particular its commitment to the United Nations peacekeeping plan,

Deeply concerned by the information provided by the Secretary-General to the Security Council on 25 January 1993 on the rapid and violent deterioration of the situation in Croatia as a result of military attacks by Croatian armed forces on the areas under the protection of the United Nations Protection Force,

Strongly condemning those attacks which have led to casualties and loss of life in the Force, as well as among the civilian population,

Deeply concerned also by the lack of cooperation in recent months by the Serb local authorities in the areas under the protection of the Force, by the recent seizure by them of heavy weapons under control of the Force, and by threats to widen the conflict,

1. *Demands* the immediate cessation of hostile activities by Croatian armed forces within or adjacent to the United Nations Protected Areas and the withdrawal of the Croatian armed forces from these areas;

2. *Strongly condemns* the attacks by these forces against the United Nations Protection Force in the conduct of its duty of protecting civilians in the Protected Areas and demands their immediate cessation;

3. *Demands also* that the heavy weapons seized from the storage areas controlled by the Force be returned immediately to the Force;

4. *Demands further* that all parties and others concerned comply strictly with the ceasefire arrangements

⁴³⁵ S/PV.3163, pp. 3-4.

already agreed and cooperate fully and unconditionally in the implementation of the United Nations peacekeeping plan, including the disbanding and demobilization of the Serb territorial defence units or other units of similar functions;

5. *Expresses its condolences* to the families of the personnel of the Force who have lost their lives;

6. *Demands* that all parties and others concerned respect fully the safety of United Nations personnel;

7. *Invites* the Secretary-General to take all necessary steps to ensure the safety of the Force personnel concerned;

8. *Calls upon* all parties and others concerned to cooperate with the Force in resolving all remaining issues connected with the implementation of the peace keeping plan, including allowing civilian traffic freely to use the Maslenica crossing;

9. *Calls again upon* all parties and others concerned to cooperate fully with the International Conference on the Former Yugoslavia and to refrain from any actions or threats which might undermine the current efforts aimed at reaching a political settlement;

10. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of the Russian Federation argued that the military operations of the Croatian Army in the Serbian Krajina region represented another link in the chain of violations by Zagreb of the demands of the Security Council. He stated that the Croatian side had been ignoring for a long time the ban on flights over the air space of Bosnia and Herzegovina, that it had been shipping arms into that Republic, and that it was also conducting military operations against the Muslims in Bosnia. He contended that the attack being mounted by Croatian armed forces in areas under United Nations protection constituted a direct challenge to the peacekeeping mission of the United Nations in the former Yugoslavia. The attempt to resolve the problem of Krajina by military means was all the more regrettable because the leaders of the Federal Republic of Yugoslavia and Croatia had seemed to be close to achieving a mutually acceptable agreement. The Russian Federation was particularly concerned that Croatia was ignoring the demands of the Security Council and that the Croatian army was continuing its offensive actions in Serb-populated areas of Croatia. He contended that Zagreb was not only refusing to restore the status quo and withdraw from the territories it had seized through invasion, but was also seeking to extend the area in which it was carrying out military action. He argued that the Croatian attack was not only

a gross violation of Security Council resolutions, but was also endangering the Geneva negotiations for a peaceful settlement in the former Yugoslavia, which were at a crucial and sensitive stage. Having taken all those factors into account, the delegation of the Russian Federation had voted in favour of the resolution just adopted. He warned, however, that if the Croatian side were to fail to meet the demands of that and other relevant resolutions of the Security Council, then sanctions would have to be imposed on Croatia to the same extent as those imposed against the Federal Republic of Yugoslavia.⁴³⁶

**Decision of 27 January 1993 (3165th meeting):
statement by the President**

At its 3165th meeting, on 27 January 1993, the Council included the letter dated 25 January from the representative of France addressed to the President of the Security Council in its agenda. Following the adoption of the agenda, the President (Japan) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴³⁷

The Security Council is deeply concerned to learn from the Secretary-General that the offensive by the Croatian armed forces continues unabated in flagrant violation of resolution 802 (1993) of 25 January 1993, at a crucial time in the peace process.

The Council demands that military action by all parties and others concerned cease immediately. It further demands that all parties and others concerned comply fully and immediately with all the provisions of resolution 802 (1993) and with other relevant Council resolutions.

The Council once again demands that all parties and others concerned respect fully the safety of United Nations personnel and guarantee their freedom of movement. The Council reiterates that it will hold the political and military leaders involved in the conflict responsible and accountable for the safety of the United Nations peacekeeping personnel in the area.

The Council will remain actively seized of the matter, in particular with a view to considering what further steps might be necessary to ensure that resolution 802 (1993) and other relevant Council resolutions are fully implemented.

⁴³⁶ *Ibid.*, pp. 6-7.

⁴³⁷ S/25178.

**Decision of 8 June 1993 (3231st meeting):
statement by the President**

At its 3231st meeting, on 8 June 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Spain) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴³⁸

Having examined the situation in the United Nations Protected Areas (UNPAs) in the Republic of Croatia, the Security Council is deeply concerned by the failure of the Krajina Serbs to participate in talks on the implementation of its resolution 802 (1993) of 25 January 1993 which were to be held in Zagreb on 26 May 1993. It deplores the interruption of the dialogue between the parties, which had recently produced encouraging signs of progress.

The Council stresses its support for the peace process under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia and urges the parties to solve all problems which might arise by peaceful means and resume the talks immediately with a view to the rapid implementation of resolution 802 (1993) and all other relevant resolutions. The Council expresses its willingness to help ensure the implementation of an agreement on this basis reached by the parties, including respect for the rights of the local Serb population.

The Council reminds the parties that the UNPAs are integral parts of the territory of Croatia, and that no action inconsistent with this would be acceptable.

The Council reiterates its demand that international humanitarian law be fully respected in the UNPAs.

The Council urges the Government of the Republic of Croatia, in cooperation with other interested parties, to take all necessary measures to ensure the full protection of the rights of all residents of the UNPAs when Croatia exercises fully its authority in these Areas.

**Decision of 15 July 1993 (3255th meeting):
statement by the President**

At its 3255th meeting, on 15 July 1993, the Council included a letter dated 14 July 1993 from the Secretary-General addressed to the President of the Security Council in its agenda.⁴³⁹ The Secretary-General informed the Council that, in a letter dated

⁴³⁸ S/25897.

⁴³⁹ S/26082.

13 July 1993, the Croatian authorities had conveyed to UNPROFOR their intention to reopen the Maslenica bridge and the Zemunik airport on 18 July 1993. They had also requested UNPROFOR to take all necessary measures to “ensure that the event will pass without incident”. He further informed the Council that the local Serb authorities and the authorities of the Federal Republic of Yugoslavia did not consider the planned event to be in conformity with Security Council resolutions 802 (1993) and 847 (1993) and that they perceived the planned events as a provocation. The Secretary-General had come to the conclusion that developments at the Maslenica bridge and the Zemunik airport in Croatia deserved the urgent attention of the Council, which might wish to consider the danger posed by that situation and decide upon appropriate action.

Following the adoption of the agenda, the President (United Kingdom) drew the attention of the members of the Council to a letter dated 12 July 1993 from the representative of Croatia addressed to the President of the Security Council in which he stated that his Government expected the Council and UNPROFOR to take the steps necessary to ensure that the reopening of the Maslenica bridge would not be interrupted.⁴⁴⁰

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁴¹

The Security Council is deeply concerned at the information contained in the letter of the Secretary-General dated 14 July 1993 on the situation in and around the United Nations Protected Areas (UNPAs) in the Republic of Croatia. It recalls its resolutions 802 (1993) of 25 January 1993 and 847 (1993) of 30 June 1993 and in particular the demand in the former that all parties and others concerned comply strictly with the ceasefire arrangements already agreed and the call on them in the latter to reach an agreement on confidence building measures.

The Council expresses its deep concern at the latest report on hostilities in the UNPAs, including in particular by the Krajina Serbs, and demands that these hostilities cease immediately.

The Council continues to attach the highest importance to securing the reopening of the Maslenica crossing to civilian traffic. In this context it reaffirms its support for the sovereignty

⁴⁴⁰ S/26074.

⁴⁴¹ S/26084.

and territorial integrity of Croatia. It recognizes the real and legitimate concern of the Government of Croatia in such reopening, as set out in the letter dated 12 July 1993 from the Permanent Representative of Croatia. It also recalls the demand in its resolution 802 (1993) that the Croatian armed forces withdraw from the areas in question.

The Council considers that the planned unilateral reopening of the Maslenica bridge and of Zemunik airport on 18 July 1993, in the absence of agreement between the parties and others concerned in cooperation with the United Nations Protection Force (UNPROFOR), would jeopardize the objectives of the Council's resolutions and in particular the call in its resolution 847 (1993) for agreement on confidence building measures and the efforts of the Co-Chairmen of the International Conference on the Former Yugoslavia and UNPROFOR to achieve a negotiated settlement to the problem. It urges the Government of Croatia to refrain from this action.

The Council expresses its support for the efforts of the Co-Chairmen and UNPROFOR and calls on the parties and others concerned to cooperate fully with them in this regard and to conclude rapidly the agreement on confidence building measures called for in its resolution 847 (1993). It joins the Secretary-General in his call to the parties and others concerned to act in a manner conducive to the maintenance of peace and to refrain from any action which would undermine these efforts, and calls upon the parties to assure UNPROFOR's freedom of access in particular to the area surrounding the Maslenica crossing.

**Decision of 30 July 1993 (3260th meeting):
statement by the President**

At its 3260th meeting, on 30 July 1993, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (United Kingdom) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁴²

The Security Council has heard with deep concern the report from the Special Representative of the Secretary-General for the Former Yugoslavia on the situation in and around the United Nations Protected Areas (UNPAs) in the Republic of Croatia and in particular in respect of the Maslenica crossing.

The Council reaffirms the presidential statement of 15 July 1993. Following this statement the parties reached an agreement on 15/16 July 1993 at Erdut which requires the withdrawal of Croatian armed forces and police from the area of the Maslenica bridge by 31 July 1993 and the placing of the bridge under the exclusive control of the United Nations Protection Force (UNPROFOR).

⁴⁴² S/26199.

The Council demands that the Croatian forces withdraw forthwith in conformity with the above-mentioned agreement and that they permit the immediate deployment of UNPROFOR. The Council also demands that the Krajina Serb forces refrain from entering the area. The Council calls for maximum restraint from all the parties, including the observance of a ceasefire.

The Council warns of the serious consequences of any failure to implement the above-mentioned agreement.

The Council will remain actively seized of the matter.

**Decision of 27 August 1993: letter from the
President to the Secretary-General**

By a letter dated 20 August 1993 addressed to the President of the Security Council,⁴⁴³ the Secretary-General, recalling resolutions 771 (1992) of 15 August 1992 and 780 (1992) of 6 October 1992, stated that the Commission of Experts established pursuant to resolution 780 (1992) had been attempting to examine and analyse information relating to grave breaches of the Geneva Conventions and other violations of humanitarian law committed in the territory of the former Yugoslavia, and to uncover and establish evidence at mass grave sites in the United Nations Protected Areas in Croatia. The Government of the Netherlands had offered to provide free of cost an armed military engineer unit of up to 50 personnel to assist in the excavation of a mass grave site at Ovcara near Vukovar. The Secretary-General believed that this task could best be carried out by including the unit, on a temporary basis, UNPROFOR. The additional elements of the Force would be deployed in the area for a period of 10 weeks starting 1 September 1993, subject to the extension of the mandate of UNPROFOR which would expire on 30 September 1993. The Secretary-General stated that he would proceed on that basis, subject to the concurrence of the members of the Council.

By a letter dated 27 August 1993,⁴⁴⁴ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have considered your letter of 20 August 1993 referring to Council resolutions 771 (1992) and 780 (1992). The members agree with your suggestion to accept the offer of the Government of the Netherlands to provide free of cost to the United Nations a 50-person engineering unit to assist in the excavation of a mass grave site at Ovcara near Vukovar, in the United Nations

⁴⁴³ S/26373.

⁴⁴⁴ S/26374.

Protected Areas in Croatia, in the context of the work of the Commission of Experts established pursuant to resolution 780 (1992). They note the information contained in the letter, and agree with the proposal contained therein.

The members understand that the connection of the United Nations Protection Force with the engineering unit will be the provision of administrative and logistic support and protection.

**Decision of 17 January 1995 (3491st meeting):
statement by the President**

At its 3491st meeting, on 17 January 1995, the Council included a letter dated 12 January 1995 from the representative of Croatia addressed to the Secretary-General in its agenda.⁴⁴⁵ By that letter, the representative of Croatia transmitted a letter of the same date from the President of Croatia to the Secretary-General in which he stated that, despite its endeavours, UNPROFOR had been unable to implement the most important provisions of the Vance Plan and subsequent Security Council resolutions. Moreover, Croatia found the continued presence of UNPROFOR in the occupied territories to be largely counterproductive to the peace process. He further contented that the Serb intransigence and UNPROFOR's reserve were de facto allowing and promoting the occupation of parts of Croatia's territory. The "freezing" of a negative status quo was unacceptable. The President concluded that, although UNPROFOR had played an important role in stopping violence and major conflicts in Croatia, it was an indisputable fact that the present character of the UNPROFOR mission did not provide conditions necessary for establishing lasting peace and order in Croatia. Croatia was therefore terminating the UNPROFOR mandate, effective 31 March 1995, in accordance with Security Council resolution 947 (1994).

Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

The President (Argentina) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁴⁴⁶

The Security Council, which has begun its consideration of the report of the Secretary-General of 14 January 1995 submitted pursuant to resolution 947(1994), has learned with concern of the position adopted by the Republic of Croatia on the extension of the mandate of the United Nations Protection Force in Croatia beyond 31 March 1995, as set out in the letter dated 12 January 1995 from the Permanent Representative of the Republic of Croatia to the United Nations addressed to the Secretary-General. It is particularly concerned about the wider implications of this development for the peace process throughout the former Yugoslavia. The Council reiterates its commitment to the sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders. It understands the concerns of the Croatian Government about the lack of implementation of major provisions of the United Nations peacekeeping plan for Croatia. It will not accept the status quo becoming an indefinite situation. It believes, however, that the continued presence of the United Nations Protection Force in the Republic of Croatia is of vital importance for regional peace and security and that the United Nations, in general, and the Force, in particular, have a positive role to play in achieving the further implementation of the peacekeeping plan and bringing about a settlement which ensures full respect for the territorial integrity and sovereignty of Croatia. It recalls the important role the United Nations Protection Force plays in helping to sustain the ceasefire in Croatia, facilitating humanitarian activities and international relief work and supporting implementation of the economic agreement of 2 December 1994. It is in that perspective that the Council hopes that discussions over the weeks ahead will lead to a re-examination of the position now taken in relation to the continuing role of the United Nations Protection Force in the Republic of Croatia. Meanwhile, the Council calls upon all parties and others concerned to avoid any action or statement which might lead to an increase in tension. It welcomes the conclusion, under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, of the economic agreement of 2 December 1994 and urges the parties to continue, and accelerate, its implementation; it notes the need for adequate international financial support and encourages the international community to respond to this need. It calls for the intensification in the coming weeks of all these efforts to consolidate this achievement and to bring about a political settlement in Croatia and it calls upon the parties to cooperate with these efforts and to negotiate in earnest to that end.

The Council affirms its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders and stresses the importance it attaches to the mutual recognition thereof.

⁴⁴⁵ S/1995/28.

⁴⁴⁶ S/PRST/1995/2.