

**10. AGREEMENT SIGNED ON 4 APRIL 1994 BETWEEN THE GOVERNMENTS OF CHAD AND THE LIBYAN ARAB JAMAHIRIYA CONCERNING THE PRACTICAL MODALITIES FOR THE IMPLEMENTATION OF THE JUDGMENT DELIVERED BY THE INTERNATIONAL COURT OF JUSTICE ON 3 FEBRUARY 1994**

*INITIAL PROCEEDINGS*

**Decision** of 14 April 1994 (3363rd meeting): resolution 910 (1994)

At its 3363rd meeting, on 14 April 1994 in accordance with the understanding reached in its prior consultations, the Council included in its agenda two letters<sup>1</sup> dated 6 and 13 April 1994 addressed to the Secretary-General from the representatives of the Libyan Arab Jamahiriya and Chad, respectively, transmitting the text of an Agreement signed at Surt, Libyan Arab Jamahiriya, on 4 April 1994 between their two Governments, on the practical modalities for the implementation of the Judgment<sup>2</sup> delivered by the International Court of Justice (ICJ) on 3 February 1994 regarding the territorial dispute between Chad and the Libyan Arab Jamahiriya. The Council also included on its agenda a letter dated 13 April 1994<sup>3</sup> addressed to the President of the Security Council from the Secretary-General. Article 1 of the Agreement provided that operations for the withdrawal of the Libyan administration and troops would commence on 15 April 1994, under the supervision of a mixed team of Chadian and Libyan officers. It would end on 30 May 1994 at 0000 hours. The article further provided that United Nations observers would be present throughout the Libyan withdrawal operations and would establish that the withdrawal was actually effected. In a letter dated 7 April 1994, annexed to his letter dated 13 April 1994, the representative of Chad requested the Secretary-General to take the measures necessary for the deployment of the observers provided for in the Agreement. In his letter, the Secretary-

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<sup>1</sup> S/1994/402 and S/1994/424.

<sup>2</sup> Territorial dispute (Libyan Arab Jamahiriya/Chad), Judgment, I.C.J. Reports 1994, p. 6.

<sup>3</sup> S/1994/432.

General informed the President of the Security Council that he intended to send a reconnaissance team to the area, on a United Nations plane, to conduct a brief survey of conditions on the ground in order to prepare recommendations to the Council on the possible role of the United Nations. In that regard, he was requesting the Governments of Chad and Libya to render to the team all practical assistance.

Following the adoption of the agenda, the President (New Zealand) drew the attention of the members of the Council to a draft resolution<sup>4</sup> prepared in the course of the Council's prior consultations. The draft resolution was then put to the vote and adopted unanimously as resolution 910 (1994), which reads as follows:

*The Security Council,*

*Taking note* of the letter dated 6 April 1994 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General and the letter dated 13 April 1994 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General, and the annexes thereto,

*Welcoming* the agreement signed at Surt, Libyan Arab Jamahiriya, on 4 April 1994 between the Governments of Chad and the Libyan Arab Jamahiriya concerning the practical modalities for the implementation of the Judgment delivered by the International Court of Justice on 3 February 1994 regarding the Aouzou Strip,

*Having considered* the letter from the Secretary-General dated 13 April 1994 advising of his intention to send a reconnaissance team to the area to conduct a survey of conditions on the ground regarding the possible deployment of United Nations observers to monitor the withdrawal by the Libyan Arab Jamahiriya from the area in question,

*Recognizing* that the team will need to travel to the Libyan Arab Jamahiriya by United Nations aircraft and that this will require an exemption from the provisions of paragraph 4 of Council resolution 748 (1992) of 31 March 1992, and acting, in this respect, under Chapter VII of the Charter of the United Nations,

1. *Decides* that paragraph 4 of resolution 748 (1992) shall not apply in respect of United Nations aircraft flying to or from the Libyan Arab Jamahiriya for the purpose of conveying the Secretary-General's reconnaissance team;

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<sup>4</sup> S/1994/433.

2. *Requests* the Secretary-General to inform the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya of flights made to or from Libyan Arab Jamahiriya in accordance with the present resolution.

**Decision** of 4 May 1994 (3373rd meeting): resolution 915 (1994)

At its 3373rd meeting, on 4 May 1994, the Council included in its agenda a report<sup>5</sup> of the Secretary-General dated 27 April 1994 on the agreement to implement the ICJ Judgment of 3 February 1994. The Secretary-General recommended, on the basis of the conclusions of the reconnaissance team, the deployment of a group of United Nations observers in the Aouzou Strip<sup>6</sup> for a period of approximately 40 days, to monitor the withdrawal of the Libyan administration and forces in accordance with the 4 April agreement. The reconnaissance team already in the area would become the advance party of the operation. A representative of UNDP would assist in assessing the potential humanitarian situation in the Aouzou Strip after the withdrawal.

Following the adoption of the agenda, the President (Nigeria) drew the attention of the members of the Council to a draft resolution<sup>7</sup> prepared in the course of the Council's prior consultations. The draft resolution was then put to the vote and adopted unanimously as resolution 915 (1994), which reads as follows:

*The Security Council,*

*Recalling* its resolution 910 (1994) of 14 April 1994,

*Welcoming* the signing on 4 April 1994 at Surt, Libyan Arab Jamahiriya, by the representatives of the Republic of Chad on the one hand and of the Great Socialist People's Libyan Arab Jamahiriya on the other hand, of the agreement relating to the implementation of the Judgment of the International Court of Justice of 3 February 1994,

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<sup>5</sup> S/1994/512.

<sup>6</sup> For details concerning the establishment and control of UNASOG, see this *Supplement*, Chapter V.

<sup>7</sup> S/1994/532.

*Taking note* of the letter dated 6 April 1994 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General and the letter dated 13 April 1994 from the Permanent Representative of Chad to the United Nations addressed to the Secretary-General, and the annexes thereto,

*Noting* that the agreement signed at Surt provides that United Nations observers shall be present during all the Libyan withdrawal operations and shall establish that the withdrawal is actually effected,

*Determined* to assist the parties in implementing the Judgment of the International Court of Justice concerning their territorial dispute and thereby to help promote peaceful relations between them, in keeping with the principles and purposes of the Charter of the United Nations,

*Having examined* the report of the Secretary-General of 27 April 1994,

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1. *Takes note with appreciation* of the report of the Secretary-General on the implementation of the provisions of article 1 of the above-mentioned agreement;

2. *Decides* to establish the United Nations Aouzou Strip Observer Group, and authorizes the deployment for a single period of up to forty days, starting from the date of the present resolution, of nine United Nations observers and six support staff to observe the implementation of the agreement signed on 4 April 1994 at Surt in accordance with the recommendations of the Secretary-General and in accordance with paragraph 9 of resolution 907 (1994) of 29 March 1994;

3. *Calls upon* the parties to cooperate fully with the Secretary-General in verifying implementation of the provisions of the agreement of 4 April 1994 and, in particular, to grant the Group freedom of movement and all the services it requires in order to fulfil its functions;

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*Recognizing* that the Group will need to travel to the Libyan Arab Jamahiriya by air and that this will require an exemption from the provisions of paragraph 4 of resolution 748 (1992) of 31 March 1992, and acting, in this respect, under Chapter VII of the Charter of the United Nations,

4. *Decides* that paragraph 4 of resolution 748 (1992) shall not apply in respect of aircraft flying to or from the Libyan Arab Jamahiriya for the purpose of conveying the Group;

5. *Requests* the Secretary-General to inform the Security Council Committee established pursuant to resolution 748 (1992) concerning the Libyan Arab Jamahiriya of flights made to or from the Libyan Arab Jamahiriya in accordance with the present resolution;

6. *Invites* the Secretary-General to keep it informed as appropriate of the progress of the mission and to report at the time of its completion;

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

**Decision** of 13 June 1994 (3389th meeting): resolution 926 (1994)

At its 3389th meeting, on 13 June 1994, the Council included in its agenda a report<sup>8</sup> of the Secretary-General dated 6 June 1994 on the United Nations Aouzou Strip Observer Group (UNASOG), which was submitted pursuant to resolution 915 (1994) of 4 May 1994. The Secretary-General noted that the withdrawal and evacuation of Libyan forces were carried out according to the schedule agreed upon by the reconnaissance team and the Libyan Arab Jamahiriya/ Chad mixed team. He also reported that, on 30 May 1994, the two countries had signed a joint declaration in which they had stated that the withdrawal of the Libyan Arab Jamahiriya administration and forces from the Aouzou Strip had been effected as of that date to the satisfaction of both parties. The Secretary-General observed that the accomplishment of the mandate of UNASOG demonstrated the useful role, as envisaged by the Charter, which the United Nations could play in the peaceful settlement of disputes when the parties cooperated fully with the Organization. He concluded by saying that UNASOG, having successfully completed the task assigned to it by resolution 915 (1994), departed from the area on 5 June 1994, and the mission could therefore be considered as terminated.

Following the adoption of the agenda, the President (Oman) drew the attention of the members of the Council to a draft resolution<sup>9</sup> prepared in the course of the Council's prior consultations. He also drew attention to a Note Verbale<sup>10</sup> and a letter<sup>11</sup> dated 2 and 7 June 1994, respectively, addressed to the Secretary-General from the representative of the Libyan Arab

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<sup>8</sup> S/1994/672.

<sup>9</sup> S/1994/700.

<sup>10</sup> S/1994/657.

Jamahiriya. The draft resolution was then put to the vote and adopted unanimously as resolution 926 (1994), which reads as follows:

*The Security Council,*

*Recalling* its resolution 915 (1994) of 4 May 1994,

1. *Welcomes* the report of the Secretary-General of 6 June 1994;
2. *Commends* the work of the members of the United Nations Aouzou Strip Observer Group;
3. *Notes with appreciation* the cooperation extended by the Government of Chad and the Government of the Libyan Arab Jamahiriya to the Group in accordance with the provisions of the agreement signed at Surt, Libyan Arab Jamahiriya, on 4 April 1994;
4. *Decides* to terminate the mandate of the Group with immediate effect.

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<sup>11</sup> S/1994/683.