

## Items relating to the Former Yugoslavia

### **Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia**

#### INITIAL PROCEEDINGS

**Decision** of 18 June 1993 (3240<sup>th</sup> meeting): resolution 843 (1993)

At its 3240<sup>th</sup> meeting, on 18 June 1993, the Council included the item entitled “Applications made under Article 50 of the Charter of the United Nations as a consequence of the implementation of measures imposed against the former Yugoslavia” in its agenda. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution<sup>1</sup> that had been prepared in the course of the Council’s prior consultations.

The draft resolution was then put to the vote, and it was adopted unanimously as resolution 843 (1993). The resolution reads as follows:

*The Security Council,*  
*Recalling* its resolution 724 (1991) of 15 December 1991 concerning Yugoslavia and all other relevant resolutions,  
*Recalling also* Article 50 of the Charter of the United Nations,  
*Conscious* of the fact that an increasing number of requests for assistance have been received under the provisions of Article 50 of the Charter,  
*Noting* that the Security Council Committee established pursuant to resolution 724 (1991), at its 65th meeting, set up a working group to examine the above-mentioned requests,

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<sup>1</sup> S/25956.

1. *Confirms* that the Committee established pursuant to resolution 724 (1991) is entrusted with the task of examining requests for assistance under the provisions of Article 50 of the Charter of the United Nations;

2. *Welcomes* the establishment by the Committee of its working group and invites the Committee, as it completes the examination of each request, to make recommendations to the President of the Security Council for appropriate action.

**Decision** of 6 July 1993: letter from the President

By a letter<sup>2</sup> dated 2 July 1993 addressed to the President of the Security Council, the Acting Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia transmitted, pursuant to resolution 843 (1993), the recommendations of the Committee relating to the requests made by Bulgaria, Hungary, Romania, Uganda and Ukraine for assistance under the provisions of Article 50 of the Charter of the United Nations. In its recommendations, the Committee recognized the urgent need to assist the interested State and appealed to all States to provide immediate assistance to such State; invited the competent organs and specialized agencies of the United Nations system to consider how their assistance programmes and facilities might be helpful to the interested State; and requested the Secretary-General to report on the implementation of such recommendations.

By a letter<sup>3</sup> dated 6 July 1993, the President of the Security Council informed the Secretary-General as follows:

“By resolution 843 (1993), adopted on 18 June 1993, the Security Council confirmed that its Committee established pursuant to resolution 724 (1991) concerning Yugoslavia was entrusted with the task of examining requests for assistance under the provisions of Article 50 of the Charter of the United Nations and making recommendations to the President of the Security Council for appropriate action.

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<sup>2</sup> S/26040.

<sup>3</sup> S/26056.

“By a letter dated 2 July 1993, the acting Chairman of the Committee transmitted the recommendations of the Committee with regard to Bulgaria, Hungary, Romania, Uganda and Ukraine.

“At consultations of the whole of the Security Council, held on 2 July 1993, it was agreed to inform you of the above-mentioned recommendations of the Committee in connection with the requests for assistance under the provision of Article 50 of the Charter and to request you to implement the actions contained in the recommendations. For this purpose, I am transmitting herewith for your information and appropriate action the text of the letter and its enclosures from the Acting Chairman of the Committee.”

**Decision** of 9 August 1993: letter from the President

By a letter<sup>4</sup> dated 4 August 1993 addressed to the President of the Security Council, the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia transmitted, pursuant to resolution 843 (1993), the recommendations<sup>5</sup> of the Committee relating to the request made by Albania for assistance under the provisions of Article 50 of the Charter of the United Nations.

By a letter<sup>6</sup> dated 9 August 1993, the President of the Security Council informed the Secretary-General as follows:

“By a letter dated 6 July 1993, addressed to you by my predecessor in his capacity as President of the Security Council, you were informed, by agreement of all the members of the Council, of the recommendations formulated by the Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and submitted to the President by the Chairman of the Committee in respect of the applications made by five States under the provisions of Article 50 of the Charter of the United Nations. You were also requested to implement the actions contained in those recommendations as appropriate.

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<sup>4</sup> S/26040/Add.1.

<sup>5</sup> The recommendations were similar to those previously made.

<sup>6</sup> S/26282.

“I have now received a further letter dated 4 August 1993, addressed to me by the Chairman of the Committee, submitting a recommendation formulated by the Committee in respect of the application made by Albania under the terms of Article 50. In the course of their consultations of the whole today, the members of the Council reviewed the recommendation on Albania and agreed that, as in the case of the previous recommendations, you should be similarly requested to implement the actions contained in the above-mentioned recommendation on Albania. For this purpose, I am transmitting herewith, for your information and appropriate action, the text of the letter and its enclosure from the Chairman of the Committee.”

**Decision** of 20 December 1993: letter from the President to the Secretary-General

By a letter<sup>7</sup> dated 14 December 1993 addressed to the President of the Security Council, the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia transmitted, pursuant to resolution 843 (1993), the recommendations<sup>8</sup> of the Committee relating to the requests made by Slovakia and the former Yugoslav Republic of Macedonia for assistance under the provisions of Article 50 of the Charter of the United Nations.

By a letter<sup>9</sup> dated 20 December 1993, the President of the Security Council informed the Secretary-General as follows:

“By letters dated 6 July and 9 August 1993, respectively, addressed to you by my predecessors in their capacity as President of the Security Council, you were informed, by agreement of all the members of the Council, of the recommendations formulated by the Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and submitted to the President by the Chairman of the Committee in respect of the applications made by six States under the provisions of Article 50 of the Charter of the United Nations.

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<sup>7</sup> S/26040/Add.2.

<sup>8</sup> The recommendations were similar to those previously made.

<sup>9</sup> S/26905.

You were also requested to implement the actions contained in those recommendations, as appropriate.

“I have now received a further letter dated 10 December 1993, addressed to me by the Chairman of the Committee, submitting recommendations formulated by the Committee in respect of the applications made by Slovakia and the former Yugoslav Republic of Macedonia under the terms of Article 50. In the course of their consultations of the whole today, the members of the Council reviewed the recommendations on Slovakia and the former Yugoslav Republic of Macedonia and agreed that, as in the case of the previous recommendations, you should be similarly requested to implement the actions contained in the above-mentioned recommendations on Slovakia and the former Yugoslav Republic of Macedonia. For this purpose, I am transmitting herewith, for your information and appropriate action, the text of the letter and its enclosures from the Chairman of the Committee.”

## **The situation prevailing in and around the safe area of Bihac**

### INITIAL PROCEEDINGS

At its 3461<sup>st</sup> meeting, held on 19 November 1994, the Council included the item entitled “The situation prevailing in and around the safe area of Bihac” in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and Germany, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution<sup>10</sup>, submitted by France, Germany, the Russian Federation, Spain, the United Kingdom and the United States, as well as to a letter<sup>11</sup> dated 18 November 1994 from the representative of Croatia to the President of the Council, transmitting copies of two letters of the same date from the President of the Republic of Croatia addressed to the President of the Security Council and the Secretary-General of the North Atlantic Treaty Organization (NATO) and a letter<sup>12</sup> dated 19 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Council. In the letter<sup>13</sup> to the President of the Council, the President of Croatia reported that rebel Serb forces had been attacking Bosnia and Herzegovina from the United Nations Protected Areas (UNPAs) in Croatia, including via air strikes, artillery barrages and cross-border ground troop attacks. His Government urgently requested assistance from the United Nations in ending those attacks, in the form of air strikes against the attacking Serb forces. In the letter<sup>14</sup> to the Secretary-General of NATO, the President of Croatia noted that, in order to end the attacks on Bosnia and Herzegovina

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<sup>10</sup> S/1994/1316.

<sup>11</sup> S/1994/1312.

<sup>12</sup> S/1994/1319.

<sup>13</sup> See Annex I of letter dated 18 November 1994 (S/1994/1312).

<sup>14</sup> See Annex II of letter dated 18 November 1994 (S/1994/1312).

from Croatian soil by rebel Serb forces in the UNPAs, his Government approved the use of NATO air strikes against those forces for a period of one week.

At the 3461<sup>st</sup> meeting, the representative of Croatia stated that the actions by the so-called Krajina Serb forces in Croatia could no longer be tolerated and he urged that, upon its adoption, the draft resolution should be fully implemented. His delegation was pleased that the draft resolution would further strengthen Croatia's territorial integrity and sovereignty. The speaker further stated that Croatia would continue to play its constructive role in the peace process so long as the international community continued to uphold its commitment to Croatia in full compliance with the relevant Security Council resolutions but he warned that his country would not wait for ever. He argued that the continuing violations of Croatia's borders, such as the violations of resolution 820 (1993) and of the border-monitoring mission arrangements of the International Conference on the Former Yugoslavia, contributed to the escalation of activities in the Bihac region by providing fuel for those attacking Bihac. Croatia demanded that the illegal transshipment of fuel and goods stop immediately.<sup>15</sup>

The representative of Bosnia and Herzegovina said that his delegation was not convinced that the draft resolution was necessary in order to allow an appropriate response to the attacks against the Bihac safe area. He contended that the basis for such action already existed. He added that the actions by the so-called Krajina Serbs were also violations of the no-fly zone, of the supposedly demilitarized status of the UNPAs in Croatia, and of the territorial integrity of Bosnia and Herzegovina. Any attack against the territory of Bosnia and Herzegovina would amount to a violation of its territorial integrity, requiring the necessary response to such aggression as a threat to international peace and security, regardless of whether or not it involved a safe area. The speaker also expressed the view that, under the draft resolution, any cross-border attack against civilians or UNPROFOR targets within the Bihac region would meet with a response. He urged the Council to adopt further measures to improve the situation, provide the

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<sup>15</sup> S/PV.3461, pp. 2-3.

necessary practical support for UNPROFOR within the Bihac area, and put an end to measures inconsistent with the peace process. In particular, he urged the Council to foreclose all flows of fuel to the Krajina Serbs from Serbia and Montenegro through the occupied areas of Bosnia-Herzegovina and Croatia. He referred to estimates that Bosnian Serb forces needed 5 to 15 truckloads of fuel per day to pursue their war effort and noted that, according to reports from the Border Monitoring Mission of the International Conference on the Former Yugoslavia, between 15 and 20 fuel trucks were in fact being allowed across the border from Serbia and Montenegro each day. That fuel was enough for both the so-called Bosnian Serbs and Krajina Serbs to carry out the attacks that the Council was seeking to confront with the draft resolution before it.<sup>16</sup>

**Decision** of 19 November 1994 (3461<sup>st</sup> meeting): resolution 958 (1994)

The draft resolution was then put to the vote and it was adopted unanimously as resolution 958 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions, in particular its resolution 836 (1993) of 4 June 1993,

*Recalling also* the statements by the President of the Security Council of 13 November and 18 November 1994, and reiterating its concern about the deteriorating situation in and around the safe area of Bihac,

*Having considered* the letter dated 18 November 1994 from the Permanent Representative of the Republic of Croatia addressed to the President of the Security Council,

*Reaffirming its commitment* to the sovereignty and territorial integrity of the Republic of Croatia,

*Determining* that the situation in the Former Yugoslavia continues to constitute a threat to international peace and security, and determined to support the United Nations Protection Force in the performance of its mandate set out in paragraphs 5 and 9 of resolution 836 (1993), and to this end acting under Chapter VII of the Charter of the United Nations,

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<sup>16</sup> *Ibid.*, pp. 3-4.



*Decides* that the authorization given in paragraph 10 of its resolution 836 (1993) to Member States, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the United Nations Protection Force, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina referred to in its resolution 824 (1993) of 6 May 1993, to support the Force in the performance of its mandate set out in paragraphs 5 and 9 of its resolution 836 (1993) shall apply also to such measures taken in the Republic of Croatia.

Speaking after the vote, the representative of the United Kingdom contended that the resolution just adopted was needed to close the gap revealed by the air attacks launched by Krajina Serbs forces in Bihac and was in line with the approach the Council had received from President Tudjman and the Croatian authorities. He added that the resolution was clear and straightforward and simply extended the provisions of resolution 836 (1993), in relation to the use of air power onto Croatian territory. The resolution mirrored in every way paragraph 10 of resolution 836 (1993), and the procedures to implement it would similarly mirror these set in place to implement that resolution. It made possible the extension of the geographical scope of existing procedures for the use of air power rather than creating new ones.<sup>17</sup>

The representative of France recalled that the UNPROFOR Commander had asked for an appropriate response, with the use of air strikes, to the aerial bombardment of Bihac. His Government took the view that resolutions 836 (1993) and 908 (1994) made it possible to respond favourably to that request. His delegation regretted that none of the options proposed by the UNPROFOR Commander had been adopted. France believed that, in situations that clearly identified the aggressor and the victim, the response called for by UNPROFOR should be put into effect as soon as possible. He also believed that the resolution would contribute to that.

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<sup>17</sup> *Ibid.*, p. 4.

The representative of the Russian Federation stated that his delegation voted in favour of the resolution just adopted, because it believed that the order which had been established for the use of air power in Bosnia and Herzegovina and surrounding areas and which had now been extended to the territory of Croatia to ensure the protection of the Bihac safe area, fully corresponded to the rules for the use of air power in the other safe areas. It was important that the resolution confirmed that the appropriate measures would be taken under the guidance of the Security Council and in close coordination with the Secretary-General and UNPROFOR. In that context, the speaker stressed that the use of air power by the United Nations forces should be impartial, regardless of who might be the violator. It was also important that the main principle of the safe areas be fully and consistently implemented. These areas were intended for the protection of the civilian population and could not be used for offensive military action or for preparations for such action. The best solution would be the demilitarization of the safe areas.<sup>18</sup>

The representative of China stated that his delegation had voted in favour of the resolution just adopted because it was aimed at protecting the safe area of Bihac and the safety of the civilians there, as well as at ensuring that UNPROFOR's mandate was successfully implemented. He, however, expressed his delegation's reservations concerning the mandatory actions authorized by invoking Chapter VII of the Charter in the resolution and said that the Security Council should be extremely prudent and cautious regarding the use of air power in Croatia. Air power should be used only for the purpose of self-defence to protect the safety and security of UNPROFOR personnel and the civilians in the safe area. It should not be "abused" for punitive or pre-emptive purposes. Moreover, in the use of air power, strict measures should be taken to avoid harming innocent civilians.<sup>19</sup>

The representative of Brazil stated that, while his delegation concurred with the need for a technical adjustment to resolution 836 (1993) in order to protect the safe area of Bihac, it was nevertheless concerned that the "extraordinary" recourse to air power

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<sup>18</sup> *Ibid.*, p. 5.

<sup>19</sup> *Ibid.*, p. 7.

was being extended to another country. He reiterated his delegation's reservations on the use of the expression "all necessary measures", which seemed to be becoming a standard expression of the Council associated with the use of military force, to the detriment of diplomatic efforts. It was also his delegation's understanding, as had been confirmed by the sponsors of the resolution, that the requirement contained in paragraph 11 of resolution 836 (1993), relating to the need for Member States cooperating with UNPROFOR to report to the Council through the Secretary-General, also applied to the resolution just adopted.<sup>20</sup>

The President, speaking in her capacity as the representative of the United States, stated that the Council had clarified that the use of air power was authorized to attack targets in Croatia that threatened safe areas in Bosnia or United Nations troops operating in Bosnia. Referring to the fact that the previous day, after the Krajina Serbs had attacked Bosnia, the United Nations Commander for the Former Yugoslavia had raised the issue of a NATO response from the air, she noted that her Government believed that an immediate, affirmative response would have been legally authorized by previous resolutions of the Council.<sup>21</sup>

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<sup>20</sup> *Ibid.*, pp. 7-8.

<sup>21</sup> *Ibid.*, pp. 9-10.

## **The situation in the Republic of Bosnia and Herzegovina**

### INITIAL PROCEEDINGS

**Decision** of 8 January 1993 (3159<sup>th</sup> meeting): statement by the President

By a letter<sup>22</sup> dated 8 January addressed to the President of the Security Council, the representative of Bosnia and Herzegovina informed the Council that the Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and Herzegovina had been killed by Serbian extremists, as he was returning from the airport in an UNPROFOR convoy. Bosnia and Herzegovina requested an emergency meeting of the Security Council to consider immediate and resolute action, including the use of force under Chapter VII of the Charter.

The representative of Turkey made a similar request by a letter<sup>23</sup> of the same date addressed to the President of the Security Council.

At its 3159<sup>th</sup> meeting, on 8 January 1993, the Council included the above letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Japan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>24</sup> on behalf of the Council:

“The Security Council is profoundly shocked to learn of the killing of Mr. Hakija Turajlic, Deputy Prime Minister for Economic Affairs of the Republic of Bosnia and

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<sup>22</sup> S/25074.

<sup>23</sup> S/25077.

<sup>24</sup> S/25079.

Herzegovina, by Bosnian Serb forces, while he was under the protection of the United Nations Protection Force (UNPROFOR).

“The Council strongly condemns this outrageous act of terrorism which is a grave violation of international humanitarian law and a flagrant challenge to the authority and the inviolability of UNPROFOR, as well as to the serious efforts undertaken with the aim of achieving an overall political settlement of the crisis.

“The Council urges all parties and others concerned to exercise the utmost restraint and to refrain from taking any action which might further exacerbate the situation.

“The Council requests the Secretary-General to undertake a full investigation of the incident and to report to it without delay. Upon receipt of that report the Council will consider the matter forthwith.

“The members of the Council extend their sincere condolences to the bereaved family of Mr. Turajlic and to the people and the Government of the Republic of Bosnia and Herzegovina.”

**Decision** of 8 January 1993 (3160<sup>th</sup> meeting): statement by the President

At its 3160<sup>th</sup> meeting, on 8 January 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>25</sup> on behalf of the Council:

“The Security Council fully supports the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia aimed at achieving an overall political settlement of the crisis through a complete cessation of hostilities and the establishment of a constitutional framework for the Republic of Bosnia and Herzegovina. In this connection, the Council reaffirms the need to respect fully the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina.

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<sup>25</sup> S/25080.

“The Council fully endorses the view of the Secretary-General described in his report<sup>26</sup> that it is the duty of all the parties involved in the conflict in Bosnia and Herzegovina, despite the recent provocation, to cooperate with the Co-Chairmen in bringing this conflict to an end swiftly.

“The Council appeals to all the parties involved to cooperate to the fullest with the peace efforts and warns any party which would oppose an overall political settlement against the consequences of such an attitude; lack of cooperation and non-compliance with its relevant resolutions will compel the Council to review the situation in an urgent and most serious manner and to consider further necessary measures.”

**Decision** of 25 January 1993 (3164<sup>th</sup> meeting): statement by the President

At its 3164<sup>th</sup> meeting, on 25 January 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Japan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>27</sup> on behalf of the Council:

“The Security Council notes with appreciation the efforts of the international community to alleviate the plight of the civilian population in the Republic of Bosnia and Herzegovina, whose lives have been severely affected by the fighting there. The Council has the highest regard for the efforts of the brave people who have undertaken to deliver urgently needed humanitarian assistance under extremely trying conditions to the civilian population in Bosnia and Herzegovina, in particular, the efforts of the United Nations Protection Force and the United Nations High Commissioner for Refugees. However, the Council deeply regrets

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<sup>26</sup> In his report dated 6 January 1993 (S/25050) on the activities of the International Conference on the Former Yugoslavia, the Secretary-General reported on the peace talks among the three sides held in Geneva from 2 to 4 January 1993. Discussions took place on the constitutional principles, the delimitation of provinces and arrangements for implementing and monitoring a cessation of hostilities. The Secretary-General concluded that should the Council adopt a resolution enforcing the ban on non-authorized flights over Bosnia and Herzegovina, it would be helpful, in view of the ongoing talks, that its implementation be delayed for a reasonable period of time.

<sup>27</sup> S/25162.

that the situation there has imposed great limits on the international community in the fulfilment of its humanitarian mandate.

“The Council reaffirms its demand that all parties and others concerned, in particular Serb paramilitary units, cease and desist forthwith from all violations of international humanitarian law being committed in the territory of Bosnia and Herzegovina, including in particular the deliberate interference with humanitarian convoys. The Council warns the parties concerned of serious consequences, in accordance with relevant resolutions of the Security Council, if they continue to impede the delivery of humanitarian relief assistance.

“The Council invites the Secretary-General to keep under continuous review the possibility of air-dropping humanitarian assistance to areas isolated by the conflict in Bosnia and Herzegovina.

“The Council will remain actively seized of the matter.”

**Decision** of 17 February 1993 (3173<sup>rd</sup> meeting): statement by the President

At its 3173<sup>rd</sup> meeting, on 17 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina.

The President (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>28</sup> on behalf of the Council:

“The Security Council recalls all relevant resolutions of the Council and its statement of 25 January concerning the provision of humanitarian relief in the Republic of Bosnia and Herzegovina. It notes with deep concern that, notwithstanding the Council's demand in that statement, relief efforts continue to be impeded. It condemns the blocking of humanitarian convoys and the impeding of relief supplies, which place at risk the civilian population of Bosnia and Herzegovina and endanger the lives of personnel delivering such supplies. It remains deeply concerned at reports of pressing humanitarian need in Bosnia and Herzegovina, particularly in the eastern part of the country.

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<sup>28</sup> S/25302.

“The Council reiterates its demand that the parties and all others concerned allow immediate and unimpeded access to humanitarian relief supplies. It further demands that the parties and others concerned give the United Nations High Commissioner for Refugees the guarantees she has sought that they will abide by the promises they have made to comply with the Council's decisions in this regard and thus facilitate the resumption of the full humanitarian relief programme, to which the Council attaches the greatest importance.”

**Decision** of 24 February 1993 (3176<sup>th</sup> meeting): statement by the President

At its 3176<sup>th</sup> meeting, on 24 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>29</sup> on behalf of the Council:

“The Security Council, having heard a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, is concerned that the present opportunity to reach a negotiated settlement in Bosnia and Herzegovina should not be allowed to slip by. It endorses fully the statement by the President of the United States of America and the Secretary-General of the United Nations on 23 February, calling on the leaders of the parties involved in the peace talks on Bosnia and Herzegovina to come to New York immediately to resume discussions with a view to the early conclusion of an agreement to end the conflict. The Council urges these leaders to respond quickly and positively to that call and stands ready to give its full support to the efforts of the Co-Chairmen to bring the talks to a successful conclusion.”

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<sup>29</sup> S/25328.



**Decision** of 25 February 1993 (3177<sup>th</sup> meeting): statement by the President

At its 3177<sup>th</sup> meeting, on 25 February 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Morocco) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>30</sup> on behalf of the Council:

“The Security Council, having received a report from the Secretary-General, recalls all its relevant resolutions and its statements of 25 January and 17 February 1993 concerning the provision of humanitarian relief in the Republic of Bosnia and Herzegovina. It is deeply concerned that, in spite of its repeated demands, relief efforts continue to be impeded by Serb paramilitary units, especially in the eastern part of the country, namely in the enclaves of Srebrenica, Cerska, Gorazde and Zepa.

“The Council deplors the deterioration of the humanitarian situation in Bosnia and Herzegovina at a time when discussions are to resume with a view to reaching a just and durable agreement to end the conflict. It regards the blockade of relief efforts as a serious impediment to a negotiated settlement in Bosnia and Herzegovina and to the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia. It notes with concern that the measures taken by Serb paramilitary units to interdict humanitarian convoys, in flagrant violation of relevant Council resolutions, expose the personnel of the United Nations Protection Force and the Office of the United Nations High Commissioner for Refugees as well as other humanitarian organizations to physical harm.

“The deliberate impeding of the delivery of food and humanitarian relief essential for the survival of the civilian population in Bosnia and Herzegovina constitutes a violation of the Geneva Conventions of 1949, and the Council is committed to ensuring that individuals responsible for such acts are brought to justice.

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<sup>30</sup> S/25334.

“The Council strongly condemns once again the blocking of humanitarian convoys that has impeded the delivery of humanitarian supplies. It reiterates its demand that the Bosnian parties grant immediate and unimpeded access for humanitarian convoys and fully comply with the Council's decisions in this regard. The Council expresses its strong support for the use, in full coordination with the United Nations and in accordance with the relevant Security Council resolutions, of humanitarian air drops in isolated areas of Bosnia and Herzegovina that are in critical need of humanitarian supplies and cannot be reached by ground convoys. It reaffirms its firm commitment to the full implementation of the humanitarian relief programme in Bosnia and Herzegovina.

“The Council remains actively seized of the matter and continues its consideration of further steps, in accordance with its relevant resolutions.”

**Decision of 3 March 1993 (3180<sup>th</sup> meeting): statement by the President**

By a letter<sup>31</sup> dated 3 March 1993 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina informed the Council that Serbian and Montenegrin extremist forces had overrun the town of Cerska in a new round of expulsions and genocide and that they were threatening the region of Srebrenica. They had also blocked all humanitarian convoys. Bosnia and Herzegovina requested an emergency meeting of the Council.

The representative of the United States made a similar request by a letter<sup>32</sup> of the same date.

At its 3180<sup>th</sup> meeting, on 3 March 1993, the Council included the above letters in its agenda. 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.

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<sup>31</sup> S/25358

<sup>32</sup> S/25353.

The President (New Zealand) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>33</sup> on behalf of the Council:

“The Security Council, recalling all its relevant resolutions and statements, expresses its grave concern at and condemns the continuing unacceptable military attacks in eastern Bosnia and the resulting deterioration in the humanitarian situation in that region. It is appalled that even as peace talks are continuing, attacks by Serb paramilitary units, including, reportedly, the killings of innocent civilians, continue in eastern Bosnia. In this connection, the Council is particularly concerned about the fall of the town of Cerska and the imminent fall of neighbouring villages. The Council demands that the killings and atrocities must stop and reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

“The Council demands that the leaders of all the parties to the conflict in the Republic of Bosnia and Herzegovina remain fully engaged in New York in a sustained effort with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to reach quickly a fair and workable settlement. In this connection, the Council also demands that all sides immediately cease all forms of military action throughout Bosnia and Herzegovina, cease acts of violence against civilians, comply with their previous commitments including the cease-fire, and redouble their efforts to settle the conflict.

“The Council further demands that the Bosnian Serb side as well as all other parties refrain from taking any action which might endanger the lives and well-being of the inhabitants of eastern Bosnia, particularly in the areas near the town of Cerska, and that all concerned allow the unimpeded access of humanitarian relief supplies throughout Bosnia and Herzegovina, especially humanitarian access to the besieged cities of eastern Bosnia, and permit the evacuation of the wounded.

“Having determined in the relevant resolutions that this situation constitutes a threat to international peace and security, the Council insists that these steps must be taken immediately.

“The Council also requests the Secretary-General to take immediate steps to increase the presence of the United Nations Protection Force in eastern Bosnia.

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<sup>33</sup> S/25361.

“The Council remains seized of the matter and is ready to meet at any moment to consider further action.”

**Decision** of 17 March 1993 (3184<sup>th</sup> meeting): statement by the President

At its 3184<sup>th</sup> meeting, on 17 March 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina.

Following the adoption of the agenda, the President (New Zealand) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>34</sup> on behalf of the Council:

“The Security Council has been informed by the Secretary-General in a letter dated 12 March 1993 of the violation on 11 March 1993 by military jets, proceeding from the airport of Banja Luka, of Council resolution 781 (1992) of 9 October 1992, relating to the prohibition of military flights in the airspace of the Republic of Bosnia and Herzegovina, notwithstanding the fact that the Bosnian Serbs at the airport had received appropriate notification by United Nations observers that such flights would constitute a violation of the said resolution.

“The Council equally takes note of the report by the Secretary-General in his letter of 16 March 1993 indicating that on 13 March 1993 new violations of the no-fly zone took place by planes that proceeded to bomb the villages of Gladovici and Osatica in the Republic of Bosnia and Herzegovina before leaving in the direction of the Federal Republic of Yugoslavia (Serbia and Montenegro). The above flights are the first violations of resolution 781 (1992) observed by the United Nations Protection Force which involved combat activity.

“The Council strongly condemns all violations of its relevant resolutions and underlines the fact that since the beginning of the monitoring operations in early November 1992, the United Nations has reported 465 violations of the no-fly zone over Bosnia and Herzegovina.

“The Council demands that these violations cease forthwith and reiterates its strong determination to ensure full respect for its resolutions. It particularly underlines its condemnation of all violations, especially those reported by the Secretary-General in his

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<sup>34</sup> S/25426.

letters referred to above, at a time when the peace process has reached a critical juncture and when humanitarian relief efforts require full cooperation by all parties.

“The Council demands from the Bosnian Serbs an immediate explanation of the aforementioned violations and particularly of the aerial bombardment of the villages of Gladovici and Osatica.

“It requests the Secretary-General to ensure that an investigation is made of the reported possible use of the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) to launch air attacks against the territory of the Republic of Bosnia and Herzegovina.

“The Council has mandated its President to convey to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) and to the leader of the Bosnian Serbs its deepest concern about the above-mentioned developments and its demand that they take immediate action to prevent any repetitions of these attacks.

“The Council will continue to consider what additional steps may be required to secure implementation of the provisions of relevant Security Council resolutions.”

**Decision** of 25 March 1993 (3186<sup>th</sup> meeting): statement by the President

At its 3186<sup>th</sup> meeting, on 25 March 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (New Zealand) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>35</sup> on behalf of the Council:

“The Security Council warmly welcomes the signature by President Alija Izetbegovic and Mr. Mate Boban of all four documents of the peace plan for Bosnia and Herzegovina worked out by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

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<sup>35</sup> S/25471.

“On this important occasion the Council pays tribute to the untiring efforts of the Co-Chairmen, Secretary Vance and Lord Owen.

“The Council commends the action of the two parties who have signed all the documents and calls on the remaining party to sign without delay the two documents of the peace plan that it has not already signed and to cease its violence, offensive military actions, ‘ethnic cleansing’ and obstruction of humanitarian assistance.

“The Council calls for an immediate cessation of hostilities by all parties.

“The Council looks forward to receiving a report from the Secretary-General on the developments in the International Conference and stands ready to take action to follow up on the report and to take the steps required to bring about the peace settlement.”

**Decision** of 31 March 1993 (3191<sup>st</sup> meeting): resolution 816 (1993)

By a letter<sup>36</sup> dated 18 March 1993 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina informed the Council that Srebrenica and Sarajevo had been attacked by Serbian forces, and that non-Serb citizens of Bjelina were issued an ultimatum to leave immediately or face consequences. Bosnia and Herzegovina requested an emergency meeting of the Security Council, in light of continuing hostilities directed against its citizens, gross violations of Security Council resolution 781 (1992), grave breaches of the Geneva Conventions, and acts of foreign aggression against a Member State.

The representative of Turkey made a similar request on behalf of the Contact Group of the OIC by a letter<sup>37</sup> of the same date addressed to the President of the Security Council urging the Council to take effective measures to deal with the continuing challenge to the United Nations including, in particular, the adoption of a resolution to enforce the “no-fly zone” established under resolution 781 (1992).

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<sup>36</sup> S/25434.

<sup>37</sup> S/25437.

At its 3191<sup>st</sup> meeting, on 31 March 1993 in response to the requests contained in the above letters, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (New Zealand) then drew the attention of the Council members to the text of a draft resolution<sup>38</sup> submitted by France, Morocco, Pakistan, Spain, the United Kingdom and the United States and to several other documents.<sup>39</sup>

Speaking before the vote, the representative of France stated that the Security Council was meeting to adopt a resolution of great political importance. The previous week the Council had welcomed decisive progress in the search for a peaceful solution, with the signing by two of the parties concerned of the Vance-Owen peace plan. All that was lacking was the agreement of the Bosnian Serb side. It was in that context that the Council would be adopting under Chapter VII, a resolution authorizing the use of force to ensure compliance with the ban on flights in the no-fly zone established by resolution 781 (1992). It was essential that the Serbian side understand that a new stage had been reached in the conflict and that the Security Council had decided to have recourse to force to see that its decisions were respected. The resolution that the Council was about to adopt would mark the involvement of new actors – States or regional organizations arrangements – which would intervene in new circumstances, as peacemakers and not simply as peacekeepers. The speaker also welcomed the fact that a balance had been struck between the technical necessity of setting up effective military structures and the political need to place them under the authority of the Security Council, in close coordination with the Secretary-General. Those principles should serve as a model for future peace-keeping or peacemaking operations, to be carried out with Member States

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<sup>38</sup> S/25440.

<sup>39</sup> Communications dated 6,13,20,27 November and 4 December 1992, 12, 16, 19 and 22 March 1993 from the Secretary-General addressed to the President of the Security Council (S/24783, S/24810, S/24840, S/24870, S/24900 and Addenda 1 to 31, S/25443, S/25444, S/25456 and S/25457, respectively); letter dated 22 March 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25459); letters dated 22 and 23 March, respectively, from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council (S/25450 and S/25467).

acting in their national capacity or in the framework of regional organizations or arrangements.<sup>40</sup>

The representative of the United Kingdom believed that the Council should be slow to authorize the use of force. However, combat flights, that had been flown against East Bosnian villages a few days earlier, had been a step too far to tolerate under any circumstances. He noted that the enforcement of the no-fly zone, which the Council would authorize under the draft resolution before it, would not be directed against any one party. All sides had violated the no-fly zone, although the Serb parties had done so more than others. Nor did the no-fly zone require the use of force; no force would need to be used if no flights violated the no-fly zone. If the Serbs in Bosnia and the authorities in Belgrade did not heed the Council, then the prospects would be grim indeed, with increasing isolation, both economic and political. If they did heed the Council's message, however, then all the republics of the former Yugoslavia would be able to take their places as European States, with the prospect of putting the horrors of the previous two years behind them.<sup>41</sup>

The draft resolution was then put to the vote and adopted by 14 votes to none, with one abstention (China) as resolution 816 (1993) which reads as follows:

*The Security Council,*

*Recalling* its resolutions 781 (1992) of 9 October 1992 and 786 (1992) of 10 November 1992,

*Recalling also* paragraph 6 of resolution 781 (1992) and paragraph 6 of resolution 786 (1992) in which the Council undertook to consider urgently, in the case of violations of the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina, the further measures necessary to enforce the ban,

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<sup>40</sup> S/PV.3191, pp. 3-5.

<sup>41</sup> *Ibid.*, pp. 16-17.



*Deploing* the failure of some parties concerned to cooperate fully with airfield monitors of the United Nations Protection Force in the implementation of resolutions 781 (1992) and 786 (1992),

*Deeply concerned* by the various reports of the Secretary-General concerning violations of the ban on military flights in the airspace of Bosnia and Herzegovina,

*Deeply concerned in particular* by the letters dated 12 and 16 March 1993 from the Secretary-General to the President of the Security Council concerning new blatant violations of the ban on military flights in the airspace of Bosnia and Herzegovina, and recalling in this regard the statement by the President of the Security Council of 17 March 1993, and in particular the reference to the bombing of villages in Bosnia and Herzegovina,

*Recalling* the provisions of Chapter VIII of the Charter of the United Nations,

*Determining* that the grave situation in Bosnia and Herzegovina continues to be a threat to international peace and security,

*Acting* under Chapter VII of the Charter,

1. *Decides* to extend the ban established by resolution 781 (1992) to cover flights by all fixed-wing and rotary-wing aircraft in the airspace of the Republic of Bosnia and Herzegovina, this ban not to apply to flights authorized by the United Nations Protection Force in accordance with paragraph 2 below;

2. *Requests* the Force to modify the mechanism referred to in paragraph 3 of resolution 781 (1992) so as to provide for the authorization, in the airspace of Bosnia and Herzegovina, of humanitarian flights and other flights consistent with relevant resolutions of the Council;

3. *Also requests* the Force to continue to monitor compliance with the ban on flights in the airspace of Bosnia and Herzegovina, and calls on all parties urgently to cooperate with the Force in making practical arrangements for the close monitoring of authorized flights and improving the notification procedures;

4. *Authorizes* Member States, seven days after the adoption of the present resolution, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures in the airspace of Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban on flights referred to in paragraph 1 above, and proportionate to the specific circumstances and the nature of the flights;

5. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are taking to implement paragraph 4 above, including the rules of engagement, and on the starting date of its implementation, which

should be no later than seven days from the date when the authority conferred by paragraph 4 above takes effect, and to report the starting date to the Council through the Secretary-General;

6. *Decides* that, in the event of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia notifying the Council that all the Bosnian parties have accepted their proposals on a settlement before the starting date referred to in paragraph 5 above, the measures set forth in the present resolution will be subsumed into the measures for implementing that settlement;

7. *Also requests* the Member States concerned to inform the Secretary-General immediately of any actions they take in exercise of the authority conferred by paragraph 4 above;

8. *Requests* the Secretary-General to report regularly to the Council on the matter and to inform it immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 4 above;

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

Speaking after the vote, the representative of Brazil stated that enforcement actions under Chapter VII should be a last resort. The resolution just adopted derived not only from non-compliance with previous relevant resolutions, but also from changes in the qualitative nature of the violations. Brazil attached particular importance to the fact that, in accordance with the resolution just adopted, the implementation of the authorization contained in operative paragraph 4 would be conducted with the Secretary-General and UNPROFOR; the Security Council would be kept thoroughly informed of the relevant actions; the measures to be taken in the airspace of Bosnia and Herzegovina in the event of further violations would be proportionate to the specific circumstances and the nature of the flights; regional organizations or arrangements involved in the action would be doing so under the provisions of Chapter VIII of the Charter; and all care would be taken to ensure the safety on the ground of the personnel of the United Nations and of humanitarian organizations. His delegation also understood that the measures taken would be of limited duration and that, as soon as the situation were to warrant it, the

Council, which would remain actively seized of the matter, would proceed to review these measures.<sup>42</sup>

The representative of the United States stated that the Bosnian Serbs must understand that the resolution just adopted was evidence of the international community's growing concern with, and intolerance of, their acts of aggression. The credibility of the United Nations and its entire approach to resolving the conflict rested on its willingness to act strongly and effectively, as the Council was doing through the resolution just adopted. The resolution just adopted should send the message that, if the Bosnian Serbs wanted to rejoin the family of nations, then their behaviour must conform to international norms. The speaker also observed that, while the international community had a duty to encourage the parties to reach a settlement, it also needed to demonstrate that signing pieces of paper without intent to implement them was not enough. By showing its will to enforce agreements, the Council had demonstrated its commitment to peace and its resolve to end the conflict.<sup>43</sup>

The representative of China stated that, in principle, his delegation did not oppose the establishment of a no-fly zone in Bosnia and Herzegovina, with the consent of the parties concerned, with a view to easing the tension and ensuring the smooth conduct of international humanitarian relief activities. However, China's principled position on Security Council resolution 781 (1992) remained unchanged. The Chinese delegation had reservations on the invocation of Chapter VII to authorize countries to use force in implementing the no-fly zone. Moreover, it noted that the Secretary-General had sent a letter to the President of the Security Council dated 22 March 1993, stating that the Force Commander of UNPROFOR had taken the view that the enforcement action authorized by the resolution would have negative consequences for the viability of UNPROFOR

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<sup>42</sup> *Ibid.*, pp. 17-20.

<sup>43</sup> *Ibid.*, pp. 19-21.

within its existing mandate. In view of those considerations, the Chinese delegation had abstained in the vote on the resolution just adopted.<sup>44</sup>

The representative of the Russian Federation observed that no one had the right to violate Security Council resolutions and yet all three Bosnian parties, notwithstanding the ban on unauthorized military flights in the airspace of Bosnia and Herzegovina established by the Council in resolution 781 (1992), had perpetrated acts that ran counter to the demands of the Security Council. The resolution just adopted envisaged the application of enforcement measures against those who violated the airspace of Bosnia and Herzegovina. That included the possibility of appropriate self-defence measures on the part of the monitoring aircraft. The speaker drew attention to the fact that the appropriate rules of conduct of the operation must, as stated in paragraph 5 of the resolution, be coordinated with the Secretary-General and with UNPROFOR. The provision of the resolution regarding the 14-day deferral of the start of the implementation of the measures envisaged in the resolution was also important. The Russian Federation hoped that the adoption of the resolution would send a serious message to all Bosnian parties regarding the resolve of the Security Council to seek a speedy end to the Bosnian conflict through implementation of the Vance-Owen peace plan. For its part, it would continue to do everything to promote the attainment of that goal.<sup>45</sup>

Other speakers also stressed that the action taken by the Council should be supplemented by other measures and, in particular, a ban on the use of heavy weapons and effective international control of such weapons.<sup>46</sup>

**Decision** of 3 April 1993 (3192<sup>nd</sup> meeting): statement by the President

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<sup>44</sup> *Ibid.*, p. 22.

<sup>45</sup> *Ibid.*, pp. 23-25.

<sup>46</sup> *Ibid.*, Cape Verde, pp. 13-15; Pakistan, pp. 29-31.

By a letter<sup>47</sup> dated 2 April 1993, the Secretary-General transmitted to the President of the Security Council a letter from the United Nations High Commissioner for Refugees. The letter described the disturbing situation that had developed in Srebrenica following the decision of Bosnian Serb military authorities not to permit any further aid to be delivered to that town and proposed two options. The first option would be to turn Srebrenica into a United Nations protected area, and the second to organize a large-scale evacuation of the population. The Secretary-General noted that the Force Commander of UNPROFOR had been instructed to take the matter up immediately with the Bosnian Serb leadership and to insist that UNHCR be permitted to resume delivering aid to Srebrenica. In the meantime, he suggested that the members of the Security Council might wish to consider supportive action in relation to the situation.

At its 3192<sup>nd</sup> meeting, held on 3 April 1993, the Council included the above letter in its agenda. 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 (Pakistan) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>48</sup> on behalf of the Council:

“The Security Council is shocked by and extremely alarmed at the dire and worsening humanitarian situation which has developed in Srebrenica in the eastern part of the Republic of Bosnia and Herzegovina following the unacceptable decision of the Bosnian Serb party not to permit any further humanitarian aid to be delivered to that town and to allow only evacuation of its civilian population. The relevant facts are contained in a letter dated 2 April 1993, addressed to the Secretary-General by the United Nations High Commissioner for Refugees.

“The Council recalls and reaffirms all its relevant resolutions and statements and condemns the continuing disregard and wilful flouting of them by the Bosnian Serb party,

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<sup>47</sup> S/25519.

<sup>48</sup> S/25520.

which once again, in pursuit of its unlawful, unacceptable and abhorrent policy of 'ethnic cleansing' aimed at territorial aggrandizement, has blocked the United Nations humanitarian relief efforts.

“Recognizing the imperative need to alleviate, with the utmost urgency, the sufferings of the population in and around Srebrenica who are in desperate need of food, medicine, clothes and shelter, the Council demands that the Bosnian Serb party cease and desist forthwith from all violations of international humanitarian law, including in particular the deliberate interference with humanitarian convoys, and allow all such convoys unhindered access to the town of Srebrenica and other parts of Bosnia and Herzegovina. The Council demands that the Bosnian Serb party strictly comply with all relevant resolutions of the Council. It further demands that the Bosnian Serb party honour forthwith its most recent commitment ‘to guarantee the free movement of humanitarian convoys and the protection of endangered civilians’. The Council also reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

“The Council commends and strongly supports the efforts of the brave people who have undertaken to deliver urgently needed humanitarian assistance, under extremely trying conditions, to the civilian population in Bosnia and Herzegovina, and in particular the efforts of the United Nations High Commissioner for Refugees and the United Nations Protection Force.

“The Council recalls the request it made to the Secretary-General in its statement of 3 March 1993 to take immediate steps to increase the presence of the Force in eastern Bosnia, welcomes the action taken already in that respect, and urges the Secretary-General and the High Commissioner to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in Bosnia and Herzegovina.

“The Council will remain actively seized of the matter.”

**Decision** of 8 April 1993: statement by the President to the media

On 8 April 1993, after consultations with the members of the Council, the President made the following statement to the media<sup>49</sup> on behalf of the members of the Council:

“The members of the Security Council express their concern at the report of the International Committee of the Red Cross (ICRC), according to which 17 detainees lost their lives on 26 March 1993 in the Republic of Bosnia and Herzegovina, when the vehicle transporting them from the Batkovic Camp (under the control of Serb forces) for work at the front was ambushed.

“The members of the Council, recalling all the relevant resolutions and statements of the Council, remind all the parties that they are responsible at all times for the detainees' safety and that they must not compel detainees to do work of a military nature or destined to serve a military purpose. The ICRC had already repeatedly called on all parties to the conflict in Bosnia and Herzegovina strictly to observe the provisions of international humanitarian law.

“The members of the Council condemn all violations of the Third and Fourth Geneva Conventions, which the parties have undertaken to respect, and reaffirm once again that those who commit or order the commission of such acts will be held personally responsible.

“The members of the Council request the Commission of Experts established pursuant to resolution 780 (1992) to carry out an investigation of these abominable practices and to make a report.”

**Decision** of 9 April 1993: letter from the President to the Secretary-General

By a letter<sup>50</sup> dated 9 April 1993 addressed to the President of the Security Council, the Secretary-General, referring to resolution 816 (1993) of 31 March 1993, reported that Member States concerned, acting nationally as well as through the regional arrangement of the North Atlantic Treaty Organization (NATO), had been closely coordinating with him and the United Nations Protection Force (UNPROFOR) on the measures they were taking to ensure compliance with the ban on all flights in the airspace of Bosnia and Herzegovina. He also reported that the NATO Secretary-General had

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<sup>49</sup> S/25557.

<sup>50</sup> S/25567.

informed him, in a letter dated 8 April 1993, that the North Atlantic Council had adopted the necessary arrangements. The Secretary-General further noted that the rules of engagement established by the Member States concerned were in conformity with the requirements set out in paragraph 4 of resolution 816 (1993), and that, as requested in paragraph 2 of that resolution, UNPROFOR had modified the mechanism referred to in paragraph 3 of Council resolution 781 (1992). The revised guidelines for the authorization of non-UNPROFOR and non-UNHCR flights in the airspace of Bosnia and Herzegovina were attached as an annex to the letter. The Secretary-General, lastly, reported that the NATO Secretary-General had informed him that his military authorities were prepared to begin the operation at noon GMT on Monday, 12 April 1993.

By a letter<sup>51</sup> dated 10 April 1993, the President of the Security Council informed the Secretary-General as follows:

“Your letter dated 9 April 1993 has been brought to the attention of the Security Council.

“The Council takes note that the operations authorized by its resolution 816 (1993) will start on Monday, 12 April 1993 at 1200 GMT, in accordance with the modalities described in the annex to your above-mentioned letter.”

**Decision** of 16 April 1993 (3199<sup>th</sup> meeting): resolution 819 (1993)

At its 3199<sup>th</sup> meeting, on 16 April 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Pakistan) then drew the attention of the Council members to the text of a draft resolution<sup>52</sup> prepared in the course of the Council’s prior consultations and to several other documents.<sup>53</sup>

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<sup>51</sup> S/25568.

<sup>52</sup> S/25617.

<sup>53</sup> Letters dated 5, 15 and 16 April 1993, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25529, S/25609 and S/25616).



The draft resolution was then put to the vote and adopted unanimously as resolution 819 (1993) which reads as follows:

*The Security Council,*

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

*Noting* that the International Court of Justice in its Order of 8 April 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) unanimously indicated as a provisional measure that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide,

*Reaffirming* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Reaffirming also* its call on the parties and others concerned to observe immediately the cease-fire throughout Bosnia and Herzegovina,

*Reaffirming further* its condemnation of all violations of international humanitarian law, including, in particular, the practice of “ethnic cleansing”,

*Concerned* by the pattern of hostilities by Bosnian Serb paramilitary units against towns and villages in eastern Bosnia, and in this regard reaffirming that any taking or acquisition of territory by the threat or use of force, including through the practice of “ethnic cleansing”, is unlawful and unacceptable,

*Deeply alarmed* at the information provided by the Secretary-General to the Security Council on 16 April 1993 on the rapid deterioration of the situation in Srebrenica and its surrounding areas, as a result of the continued deliberate armed attacks and shelling of the innocent civilian population by Bosnian Serb paramilitary units,

*Strongly condemning* the deliberate interdiction by Bosnian Serb paramilitary units of humanitarian assistance convoys,

*Also strongly condemning* the actions taken by Bosnian Serb paramilitary units against the United Nations Protection Force, in particular, their refusal to guarantee the safety and freedom of movement of Force personnel,

*Aware* that a tragic humanitarian emergency has already developed in Srebrenica and its surrounding areas as a direct consequence of the brutal actions of Bosnian Serb paramilitary

units, forcing the large-scale displacement of civilians, in particular women, children and the elderly,

*Recalling* the provisions of resolution 815 (1993) of 30 March 1993 on the mandate of the Force, and in that context acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that all parties and others concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act;

2. *Demands also* to that effect the immediate cessation of armed attacks by Bosnian Serb paramilitary units against Srebrenica and their immediate withdrawal from the areas surrounding Srebrenica;

3. *Demands further* that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to the Bosnian Serb paramilitary units in the Republic of Bosnia and Herzegovina;

4. *Requests* the Secretary-General, with a view to monitoring the humanitarian situation in the safe area, to take immediate steps to increase the presence of the United Nations Protection Force in Srebrenica and its surroundings, demands that all parties and others concerned cooperate fully and promptly with the Force towards that end, and requests the Secretary-General to report urgently thereon to the Security Council;

5. *Reaffirms* that any taking or acquisition of territory by the threat or use of force, including through the practice of “ethnic cleansing”, is unlawful and unacceptable;

6. *Condemns and rejects* the deliberate actions of the Bosnian Serb party to force the evacuation of the civilian population from Srebrenica and its surrounding areas as well as from other parts of Bosnia and Herzegovina as part of its overall abhorrent campaign of “ethnic cleansing”;

7. *Reaffirms its condemnation* of all violations of international humanitarian law, in particular the practice of “ethnic cleansing”, and reaffirms that those who commit or order the commission of such acts shall be held individually responsible in respect of such acts;

8. *Demands* the unimpeded delivery of humanitarian assistance to all parts of Bosnia and Herzegovina, in particular to the civilian population of Srebrenica and its surrounding areas, and recalls that such impediments to the delivery of humanitarian assistance constitute a serious violation of international humanitarian law;

9. *Urges* the Secretary-General and the United Nations High Commissioner for Refugees to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in Bosnia and Herzegovina, in particular Srebrenica and its surroundings;

10. *Also demands* that all parties guarantee the safety and full freedom of movement of the United Nations Protection Force and of all other United Nations personnel as well as members of humanitarian organizations;

11. *Requests* the Secretary-General, in consultation with the High Commissioner and the Force, to arrange for the safe transfer of the wounded and ill civilians from Srebrenica and its surrounding areas and urgently to report thereon to the Council;

12. *Decides* to send, as soon as possible, a mission of members of the Council to Bosnia and Herzegovina to ascertain the situation and report thereon to the Council;

13. *Decides* to remain actively seized of the matter and to consider further steps to achieve a solution in conformity with its relevant resolutions.

**Decision** of 17 April 1993 (3200<sup>th</sup> meeting): resolution 820 (1993)

*The Security Council,*

*Reaffirming* all its earlier relevant resolutions,

*Having considered* the reports of the Secretary-General of 2<sup>54</sup> and 8<sup>55</sup> February and 12<sup>56</sup> and 26<sup>57</sup> March 1993 on the peace talks held by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

*Reaffirming* the need for a lasting peace settlement to be signed by all of the Bosnian parties,

*Reaffirming* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Reaffirming once again* that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and totally unacceptable, and insisting that all displaced persons be enabled to return in peace to their former homes,

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<sup>54</sup> Official Records of the Security Council, Forty-eighth year, Supplement for January, February and March 1993, document S/25221.

<sup>55</sup> Ibid., document S/25248.

<sup>56</sup> Ibid., document S/25403

<sup>57</sup> Ibid., document S/25479

*Reaffirming in this regard* its resolution 808 (1993) of 22 February 1993 in which it decided that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to submit a report at the earliest possible date,

*Deeply alarmed and concerned* about the magnitude of the plight of innocent victims of the conflict in the Republic of Bosnia and Herzegovina,

*Expressing its condemnation* of all the activities carried out in violation of resolutions 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992 between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serb-controlled areas in the Republic of Croatia and the Republic of Bosnia and Herzegovina,

*Deeply concerned* by the position of the Bosnian Serb party as reported in paragraph 17, 18 and 19 of the report of the Secretary-General of 26 March 1993 (S/25479),

*Recalling* the provisions of Chapter VIII of the Charter of the United Nations,

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1. *Commends* the peace plan for Bosnia and Herzegovina in the form agreed to by two of the Bosnian parties and set out in the report of the Secretary-General of 26 March 1993 (S/25479), namely the Agreement on Interim Arrangements (annex I), the nine Constitutional Principles (annex II), the provisional provincial map (annex III) and the Agreement for Peace in Bosnia and Herzegovina (annex IV);
2. *Welcomes* the fact that this plan has now been accepted in full by two of the Bosnian parties;
3. *Expresses its grave concern* at the refusal so far of the Bosnian Serb party to accept the Agreement on Interim Arrangements and the provisional provincial map, and calls on that party to accept the peace plan in full;
4. *Demands* that all parties and others concerned continue to observe the cease-fire and refrain from any further hostilities;
5. *Also demands* full respect for the right of the United Nations Protection Force (UNPROFOR) and the international humanitarian agencies to free and unimpeded access to all areas in the Republic of Bosnia and Herzegovina, and that all parties, in particular

- the Bosnian Serb party and others concerned, cooperate fully with them and take all necessary steps to ensure the safety of their personnel;
6. *Condemns once again* all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the massive, organized and systematic detention and rape of women, and reaffirms that those who commit or have committed or order or have ordered the commission of such acts will be held individually responsible in respect of such acts;
  7. *Reaffirms its endorsement* of the principles that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void and that all displaced persons have the right to return in peace to their former homes and should be assisted to do so;
  8. *Declares its readiness* to take all the necessary measures to assist the parties in the effective implementation of the peace plan once it has been agreed in full by all the parties, and requests the Secretary-General to submit to the Council at the earliest date, and if possible not later than nine days after the adoption of the present resolution, a report containing an account of the preparatory work for the implementation of the proposals referred to in paragraph 28 of the Secretary-General's report of 26 March 1993 (S/25479) and detailed proposals for the implementation of the peace plan, including arrangements for the effective international control of heavy weapons, based inter alia on consultations with Member States, acting nationally or through regional organizations or arrangements;
  9. *Encourages* Member States, acting nationally or through regional organizations or arrangements, to cooperate effectively with the Secretary-General in his efforts to assist the parties in implementing the peace plan in accordance with paragraph 8 above;

B

*Determined* to strengthen the implementation of the measures imposed by its earlier relevant resolutions,

*Acting* under Chapter VII of the Charter of the United Nations,

10. *Decides* that the provisions set forth in paragraphs 12 to 30 below shall, to the extent that they establish obligations beyond those established by its earlier relevant resolutions, come into force nine days after the date of the adoption of the present resolution unless

- the Secretary-General has reported to the Council that the Bosnian Serb party has joined the other parties in signing the peace plan and in implementing it and that the Bosnian Serbs have ceased their military attacks;
11. *Decides also* that if, at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General reports to the Council that the Bosnian Serbs have renewed their military attacks or failed to comply with the peace plan, the provisions set forth in paragraphs 12 to 30 below shall come into force immediately;
  12. *Decides* that import to, export from and transshipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina respectively;
  13. *Decides* that all States, in implementing the measures imposed by resolutions 757 (1992), 760 (1992) of 18 June 1992, 787 (1992) and the present resolution, shall take steps to prevent diversion to the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products said to be destined for other places, in particular the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;
  14. *Demands* that all parties and others concerned cooperate fully with the United Nations Protection Force in the fulfilment of its immigration and customs control functions deriving from resolution 769 (1992) of 7 August 1992;
  15. *Decides* that transshipments of commodities and products through the Federal Republic of Yugoslavia (Serbia and Montenegro) on the Danube shall be permitted only if specifically authorized by the Committee established by resolution 724 (1991) and that each vessel so authorized must be subject to effective monitoring while passing along the Danube between Vidin/Calafat and Mohacs;
  16. *Confirms* that no vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) or (c) suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution shall be permitted to pass through installations, including river locks or canals within the territory of Member

- States, and calls upon the riparian States to ensure that adequate monitoring is provided to all cabotage traffic involving points that are situated between Vidin/Calafat and Mohacs;
17. *Reaffirms* the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution, including any measures under the authority of the Security Council to halt or otherwise control all shipping in order to inspect and verify their cargoes and destinations, to ensure effective monitoring and to ensure strict implementation of the relevant resolutions, and reiterates its request in resolution 787 (1992) to all States, including non-riparian States, to provide, acting nationally or through regional organizations or arrangements, such assistance as may be required by the riparian States, notwithstanding the restrictions on navigation set out in the international agreements which apply to the Danube;
  18. *Requests* the Committee established by resolution 724 (1991) to make periodic reports to the Security Council on information submitted to the Committee regarding alleged violations of the relevant resolutions, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;
  19. *Reminds* States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and calls upon them to bring proceedings against persons and entities violating the measures imposed by resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and to impose appropriate penalties;
  20. *Welcomes* the role of the international Sanctions Assistance Missions in support of the implementation of the measures under resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and the appointment of the Sanctions Coordinator by the Conference on Security and Cooperation in Europe and invites the Sanctions Coordinator and the Sanctions Assistance Missions to work in close cooperation with the Committee established by resolution 724 (1991);
  21. *Decides* that States in which there are funds, including any funds derived from property,
    - (a) of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro), or
    - (b) of commercial, industrial or public utility undertakings in the Federal Republic of Yugoslavia (Serbia and Montenegro), or
    - (c) controlled directly or indirectly by such authorities or undertakings or by entities, wherever located or organized, owned or controlled by such authorities or undertakings, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not

- made available directly or indirectly to or for the benefit of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls on all States to report to the Committee established by resolution 724 (1991) on actions taken pursuant to this paragraph;
22. *Decides* to prohibit the transport of all commodities and products across the land borders or to or from the ports of the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being:
- a. The importation of medical supplies and foodstuffs into the Federal Republic of Yugoslavia (Serbia and Montenegro) as provided for in resolution 757 (1992), in which connection the Committee established by resolution 724 (1991) will draw up rules for monitoring to ensure full compliance with this and other relevant resolutions;
  - b. The importation of other essential humanitarian supplies into the Federal Republic of Yugoslavia (Serbia and Montenegro), approved on a case-by-case basis under the no-objection procedure by the Committee established by resolution 724 (1991);
  - c. Strictly limited transshipments through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), when authorized on an exceptional basis by the Committee established by resolution 724 (1991, provided that nothing in this paragraph shall affect transshipment on the Danube in accordance with paragraph 15 above;
23. *Decides* that each State neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) shall prevent the passage of all freight vehicles and rolling stock onto or out of the Federal Republic of Yugoslavia (Serbia and Montenegro), except at a strictly limited number of road and rail border crossing points, the location of which shall be notified by each neighbouring State to the Committee established by resolution 724 (1991) and approved by the Committee;
24. *Decides* that all States shall impound all vessels, freight vehicles, rolling stock and aircraft in their territories in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) and that these vessels, freight vehicles, rolling stock and aircraft may be forfeit to the seizing State upon a determination that they have been in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution;



25. *Decides* that all States shall detain pending investigation all vessels, freight vehicles, rolling stock, aircraft and cargoes found in their territories and suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution, and that, upon a determination that they have been in violation, such vessels, freight vehicles, rolling stock and aircraft shall be impounded and, where appropriate, they and their cargoes may be forfeit to the detaining State;
26. *Confirms* that States may charge the expense of impounding vessels, freight vehicles, rolling stock and aircraft to their owners;
27. *Decides* to prohibit the provision of services, both financial and non-financial, to any person or body for purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro) the only exceptions being telecommunications, postal services, legal services consistent with resolution 757 (1992) and, as approved, on a case-by-case basis by the Committee established by resolution 724 (1991), services whose supply may be necessary for humanitarian or other exceptional purposes;
28. *Decides* to prohibit all commercial maritime traffic from entering the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro) except when authorized on a case-by-case basis by the Committee established by resolution 724 (1991) or in case of force majeure;
29. *Reaffirms* the authority of States acting under paragraph 12 of resolution 787 (1992) to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to enforce the present resolution and its other relevant resolutions, including in the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro);
30. *Confirms* that the provisions set forth in paragraphs 12 to 29 above, strengthening the implementation of the measures imposed by its earlier relevant resolutions, do not apply to activities related to UNPROFOR, the International Conference on the Former Yugoslavia or the European Community Monitor Mission;

C

*Desirous* of achieving the full readmittance of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the international community once it has fully implemented the relevant resolutions of the Council,

31. *Expresses its readiness*, after all three Bosnian parties have accepted the peace plan and on the basis of verified evidence, provided by the Secretary-General, that the Bosnian Serb party is cooperating in good faith in effective implementation of the plan, to review all the measures in the present resolution and its other relevant resolutions with a view to gradually lifting them;
32. *Invites* all States to consider what contribution they can make to the reconstruction of the Republic of Bosnia and Herzegovina;
33. *Decides* to remain actively seized of the matter.

**Decision** of 17 April 1993 (3200<sup>th</sup> meeting): resolution 820 (1993)

By a letter<sup>58</sup> dated 17 April 1993 addressed to the President of the Security Council, the representative of France requested an immediate meeting of the Council to discuss the situation in Bosnia and Herzegovina.

A similar request was made by the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela in a letter<sup>59</sup> dated 17 April 1993 addressed to the President of the Council. In that letter, the Council was to consider the situation in the Republic of Bosnia and Herzegovina, particularly in Srebrenica, and to take action on a proposed draft resolution,<sup>60</sup> since the conditions justifying the adoption of resolution 819 (1993) had not been met.

At its 3200<sup>th</sup> meeting, held on 17 April 1993 in response to the requests contained in the above letters, the Council included these letters in its agenda. 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 Council also invited Ambassador Dragomir Djokic, at his request, to take a seat at the Council table, and it extended an invitation to Mr. Cyrus Vance, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia (ICFY).

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<sup>58</sup> S/25622.

<sup>59</sup> S/25623.

<sup>60</sup> S/25558.

The President (Pakistan) then drew the attention of the Council members to the text of a draft resolution<sup>61</sup> submitted by Cape Verde, Djibouti, France, Morocco, Spain, the United Kingdom, the United States and Venezuela and read out revisions to be made to the draft. He also drew attention to a series of Secretary-General's reports<sup>62</sup>, including a report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia dated 26 March 1993, and to several other documents.<sup>63</sup> In the report of 26 March, the Secretary-General informed the Council on the latest round of peace talks held from 16 to 25 March 1993 by the Co-Chairmen of the Steering Committee of the ICFY with the three sides to the conflict. The Bosnian Croats and the Bosnian Government had signed all the elements of the peace package put forward by the Co-Chairmen, namely the Constitutional Principles, the map of provincial boundaries, the military agreement and the interim arrangements whereas the Bosnian Serbs had declined to sign the provincial map and the agreement on interim arrangements. The Secretary-General urged the Council to approve the peace package proposed by the Co-Chairmen of the Steering Committee of the ICFY and to call upon the Bosnian Serbs side to sign the remaining two parts of the peace plan. He also recommended the early establishment of an International Human Rights Monitoring Mission, which all three sides had accepted.

At the same meeting, Mr. Vance stated that the Co-Chairmen of the International Conference on the Former Yugoslavia hoped that the Council would adopt the draft resolution forthwith, and thus send the clear message to the Bosnian Serb side and its supporters that time was running out and the international community would wait no

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<sup>61</sup> *Ibid.*

<sup>62</sup> S/25221, S/25248, S/25403, S/25479 and S/25490.

<sup>63</sup> Letter dated 6 April from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council (S/25546); letter dated 22 February 1993 from the representatives of Bulgaria, Romania and Ukraine addressed to the President of the Security Council (S/25322); letter dated 6 April 1993 from the Chargé d'affaires a.i. of Italy addressed to the Secretary-General (S/25551); letter dated 8 April 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25566); letter dated 12 April 1993 from the representatives of France, Spain, the United Kingdom and the United States addressed to the President of the Security Council (S/25580); letter dated 15 April 1993 from the representatives of Cape Verde, Djibouti, Morocco, Pakistan and Venezuela addressed to the President of the Security Council (S/25604); letter dated 15 April 1993 from the representative of Venezuela addressed to the President of the Security Council (S/25605); letter dated 15 April 1993 from the Chargé d'affaires a.i. of Turkey addressed to the President of the Security Council (S/25607); letter dated 14 April 1993 from the Chargé d'affaires of Yugoslavia addressed to the President of the Security Council (S/25619); and letter dated 17 April 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25624).

longer. Should the measures envisaged in it fail to achieve the desired effect, they should be followed by additional measures of sterner persuasion. The speaker added that everything possible must be done to bring humanitarian relief and assistance to the suffering communities in Bosnia and Herzegovina. There could be no excuse for obstructing humanitarian convoys.<sup>64</sup>

Speaking before the vote, the representative of France noted that, by agreeing, as a last concession, to postpone the adoption of the draft resolution, his delegation had hoped that the situation on the ground would stabilize and that there would be progress in negotiating the Vance-Owen plan. On the contrary, the Serbian side had taken advantage of that postponement to take control of Srebrenica, while at the same time rejecting the peace plan. His delegation believed that the Council should vote to strengthen the sanctions. He further observed that the draft resolution, by strengthening the provisions of resolution 757 (1992), marked the total economic and financial isolation of Serbia. France was prepared to take immediate steps to make the implementation of the resolution effective and was working on setting up assistance to the countries along the Danube to suspend all river traffic destined for Serbia. Stating that the measures contained in the draft resolution were not “sanctions for sanctions’ sake”, but rather part of a global political plan, the speaker observed that the Council’s support for the Vance-Owen plan sent a clear signal to the Serbs that there was a path other than conflict. In that respect, section C of the draft resolution was something new and reflected the desire to see the Federal Republic of Yugoslavia (Serbia and Montenegro) rejoin the international community, provided that it fully respected the relevant United Nations resolutions.<sup>65</sup>

The representative of the Russian Federation stated that the adoption, at that juncture, of a resolution strengthening the sanctions, was quite untimely. The Russian Federation supported all the provisions of part A of the draft resolution, under which the Security Council would call upon all sides to reach a rapid and peaceful solution. It was important to give the parties the possibility, through international mediation, of reaching an agreement on the Vance-Owen plan, and of completing the intensive negotiations that were proceeding at that time. It was the Russian Federation’s view, however, that the

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<sup>64</sup> S/PV.3200, pp. 6-7.

<sup>65</sup> *Ibid.*, pp. 7-10.

Security Council should provide one last chance – which should be used primarily by the Serbian side – for the achievement of a realistic agreement by observing a cease-fire and refraining from any actions that might be regarded as “ethnic cleansing”. The most reasonable approach would have been to delay voting on the draft resolution until 26 April. Since the majority of the Council members, however, had insisted upon an immediate vote, the Russian Federation would not hinder the adoption of that decision, particularly in view of the fact that it would enter into force only nine days after its adoption, unless an agreement were to be signed on the Vance-Owen plan. Nevertheless, it retained serious misgivings about the possible negative consequences of the Council’s haste, and it would abstain in the voting on the draft resolution.<sup>66</sup>

The representative of Brazil stated that the draft resolution presented three fundamental aspects. The first aspect was the support by the Security Council for the Vance-Owen peace plan. In that respect, his delegation believed that the Security Council should always favour the resort to and the exhaustion of the peaceful and negotiated means for the settlement of disputes. The second aspect was the strengthening of the measures imposed by earlier resolutions. As a matter of principle, Brazil had always held that action under Chapter VII of the Charter should be taken only in extreme circumstances. In the case before it, the grave deterioration of the situation in Bosnia and Herzegovina justified such an exceptional course of action. Brazil was aware that the measures that the Council was about to approve would entail complex considerations of a legal, economic, financial and administrative order. While some of these measures could be readily implemented, others might require the enactment of appropriate enabling legislation. He stated that his Government would take all necessary steps to put such legislation in place as soon as possible. It was his understanding that the specific provisions of paragraph 29 of the draft resolution, as they referred to the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro), were of an exceptional nature, related specifically to the particular situation, and that they could not be considered as a precedent that in any way altered or derogated from the régime of coastal-State rights in that territorial sea, in accordance with the 1982 United Nations

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<sup>66</sup> *Ibid.*, pp. 11-12.

Convention on the Law of the Sea and other relevant norms of international law. The third aspect – namely, the provisions of part C of the draft resolution, to which Brazil attached importance, made it clear that the exceptional measures contained in part B were not irreversible. He hoped that they might soon lead to the creation of conditions that would permit resort to the review mechanisms provided for in paragraph 31 of the draft resolution.<sup>67</sup>

The representative of Spain noted that the draft resolution before the Council incorporated essential elements for a package proposed by the European Community with a view to increasing the effectiveness of the sanctions imposed on the FRY and at the same time opened up other prospects if there was a radical change in the attitude of the Bosnian Serbs. Indeed, if the Bosnian Serbs accepted the peace plan and implemented it fully and in good faith, it would make possible a gradual easing of the pressure brought to bear on them and the FRY; it would pave the way for a review of the sanctions and their eventual lifting. If, on the contrary, the Bosnian Serbs did not desist from their current policy, they and the FRY would remain isolated from the rest of the international community and would suffer the full effects of the Council's sanctions. The speaker further noted that the time allowed by the Council, as a gesture of goodwill had in fact been used to create de facto situations in the field. These situations were contrary to the objectives sought by the international community as embodied in the Vance-Owen plan. In these circumstances, his Government had reached the conclusion that the draft resolution must be put to a vote without further delay.

The draft resolution was then put to the vote, as orally revised in its provisional form, and was adopted by 13 votes to none, with two abstentions (China, the Russian Federation), as resolution 820 (1993). The resolution reads as follows:

*The Security Council,*  
*Reaffirming* all its earlier relevant resolutions,

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<sup>67</sup> *Ibid.*, pp. 12-13.

*Having considered* the reports of the Secretary-General of 2 and 8 February and 12 and 26 March 1993 on the peace talks held by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

*Reaffirming* the need for a lasting peace settlement to be signed by all of the Bosnian parties,

*Reaffirming also* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Reaffirming once again* that any taking of territory by force or any practice of “ethnic cleansing” is unlawful and totally unacceptable, and insisting that all displaced persons be enabled to return in peace to their former homes,

*Reaffirming* in this regard its resolution 808 (1993) of 22 February 1993 in which it decided that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and requested the Secretary-General to submit a report at the earliest possible date,

*Deeply alarmed and concerned* about the magnitude of the plight of innocent victims of the conflict in Bosnia and Herzegovina,

*Expressing its condemnation* of all the activities carried out in violation of resolutions 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992 between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serb-controlled areas in the Republic of Croatia and the Republic of Bosnia and Herzegovina,

*Deeply concerned* by the position of the Bosnian Serb party as reported in paragraphs 17, 18 and 19 of the report of the Secretary-General of 26 March 1993,

*Recalling* the provisions of Chapter VIII of the Charter of the United Nations,

## A

1. *Commends* the peace plan for Bosnia and Herzegovina in the form agreed to by two of the Bosnian parties and set out in the report of the Secretary-General of 26 March 1993, namely the Agreement on Interim Arrangements (annex I), the nine Constitutional Principles (annex II), the provisional provincial map (annex III) and the Agreement for Peace in Bosnia and Herzegovina (annex IV);

2. *Welcomes* the fact that this plan has now been accepted in full by two of the Bosnian parties;

3. *Expresses its grave concern* at the refusal so far of the Bosnian Serb party to accept the Agreement on Interim Arrangements and the provisional provincial map, and calls on that party to accept the peace plan in full;

4. *Demands* that all parties and others concerned continue to observe the cease-fire and refrain from any further hostilities;

5. *Also demands* full respect for the right of the United Nations Protection Force and the international humanitarian agencies to free and unimpeded access to all areas in Bosnia and Herzegovina, and that all parties, in particular the Bosnian Serb party and others concerned, cooperate fully with them and take all necessary steps to ensure the safety of their personnel;

6. *Condemns once again* all violations of international humanitarian law, including in particular the practice of “ethnic cleansing” and the massive, organized and systematic detention and rape of women, and reaffirms that those who commit or have committed or order or have ordered the commission of such acts will be held individually responsible in respect of such acts;

7. *Reaffirms its endorsement* of the principles that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void and that all displaced persons have the right to return in peace to their former homes and should be assisted to do so;

8. *Declares its readiness* to take all the necessary measures to assist the parties in the effective implementation of the peace plan once it has been agreed in full by all the parties, and requests the Secretary-General to submit to the Council at the earliest possible date, and if possible not later than nine days after the adoption of the present resolution, a report containing an account of the preparatory work for the implementation of the proposals referred to in paragraph 28 of his report of 26 March 1993 and detailed proposals for the implementation of the peace plan, including arrangements for the effective international control of heavy weapons, based, *inter alia*, on consultations with Member States, acting nationally or through regional organizations or arrangements;

9. *Encourages* Member States, acting nationally or through regional organizations or arrangements, to cooperate effectively with the Secretary-General in his efforts to assist the parties in implementing the peace plan in accordance with paragraph 8 above;

B



*Determined* to strengthen the implementation of the measures imposed by its earlier relevant resolutions,

*Acting* under Chapter VII of the Charter of the United Nations,

10. *Decides* that the provisions set forth in paragraphs 12 to 30 below shall, to the extent that they establish obligations beyond those established by its earlier relevant resolutions, come into force nine days after the date of the adoption of the present resolution unless the Secretary-General has reported to the Council that the Bosnian Serb party has joined the other parties in signing the peace plan and in implementing it and that the Bosnian Serbs have ceased their military attacks;

11. *Decides also* that if, at any time after the submission of the above-mentioned report of the Secretary-General, the Secretary-General reports to the Council that the Bosnian Serbs have renewed their military attacks or failed to comply with the peace plan, the provisions set forth in paragraphs 12 to 30 below shall come into force immediately;

12. *Decides* that import to, export from and transshipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina respectively;

13. *Decides* that all States, in implementing the measures imposed by resolutions 757 (1992), 760 (1992) of 18 June 1992, 787 (1992) and the present resolution, shall take steps to prevent diversion to the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities and products said to be destined for other places, in particular the United Nations Protected Areas in Croatia and those areas of Bosnia and Herzegovina under the control of Bosnian Serb forces;

14. *Demands* that all parties and others concerned cooperate fully with the United Nations Protection Force in the fulfilment of its immigration and customs control functions deriving from resolution 769 (1992) of 7 August 1992;

15. *Decides* that transshipment of commodities and products through the Federal Republic of Yugoslavia (Serbia and Montenegro) on the Danube shall be permitted only if specifically authorized by the Security Council Committee established by resolution 724 (1991) and that each vessel so authorized must be subject to effective monitoring while passing along the Danube between Vidin/Calafat and Mohacs;

16. *Confirms* that no vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) or (c) suspected of having violated or being in violation of resolutions 713 (1991) of 25 September 1991, 757 (1992), 787 (1992) or the present resolution shall be permitted to pass through installations, including river locks or canals within the territory of Member States, and calls upon the riparian States to ensure that adequate monitoring is provided to all cabotage traffic involving points that are situated between Vidin/Calafat and Mohacs;

17. *Reaffirms* the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution, including any measures under the authority of the Security Council to halt or otherwise control all shipping in order to inspect and verify their cargoes and destinations, to ensure effective monitoring and to ensure strict implementation of the relevant resolutions, and reiterates its request in resolution 787 (1992) to all States, including non-riparian States, to provide, acting nationally or through regional organizations or arrangements, such assistance as may be required by the riparian States, notwithstanding the restrictions on navigation set out in the international agreements which apply to the Danube;

18. *Requests* the Committee established by resolution 724 (1991) to make periodic reports to the Security Council on information submitted to the Committee regarding alleged violations of the relevant resolutions, identifying where possible persons or entities, including vessels, reported to be engaged in such violations;

19. *Reminds* States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and calls upon them to bring proceedings against persons and entities violating the measures imposed by resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and to impose appropriate penalties;

20. *Welcomes* the role of the international Sanctions Assistance Missions in support of the implementation of the measures imposed under resolutions 713 (1991), 757 (1992), 787 (1992) and the present resolution and the appointment of the Sanctions Coordinator by the Conference on Security and Cooperation in Europe, and invites the Sanctions Coordinator and the Sanctions Assistance Missions to work in close cooperation with the Committee established by resolution 724 (1991);

21. *Decides* that States in which there are funds, including any funds derived from property, (a) of the authorities in the Federal Republic of Yugoslavia (Serbia and

Montenegro), or (b) of commercial, industrial or public utility undertakings in the Federal Republic of Yugoslavia (Serbia and Montenegro), or (c) controlled directly or indirectly by such authorities or undertakings or by entities, wherever located or organized, owned or controlled by such authorities or undertakings, shall require all persons and entities within their own territories holding such funds to freeze them to ensure that they are not made available directly or indirectly to or for the benefit of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls on all States to report to the Committee established by resolution 724 (1991) on actions taken pursuant to this paragraph;

22. *Decides* to prohibit the transport of all commodities and products across the land borders or to or from the ports of the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being:

(a) The importation of medical supplies and foodstuffs into the Federal Republic of Yugoslavia (Serbia and Montenegro) as provided for in resolution 757 (1992), in which connection the Committee established by resolution 724 (1991) will draw up rules for monitoring to ensure full compliance with this and other relevant resolutions;

(b) The importation of other essential humanitarian supplies into the Federal Republic of Yugoslavia (Serbia and Montenegro) approved on a case-by-case basis under the no-objection procedure by the Committee established by resolution 724 (1991);

(c) Strictly limited transshipment through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), when authorized on an exceptional basis by the Committee established by resolution 724 (1991), provided that nothing in this paragraph shall affect transshipment on the Danube in accordance with paragraph 15 above;

23. *Decides* that each State neighbouring the Federal Republic of Yugoslavia (Serbia and Montenegro) shall prevent the passage of all freight vehicles and rolling stock into or out of the Federal Republic of Yugoslavia (Serbia and Montenegro), except at a strictly limited number of road and rail border crossing points, the location of which shall be notified by each neighbouring State to the Committee established by resolution 724 (1991) and approved by the Committee;

24. *Decides* that all States shall impound all vessels, freight vehicles, rolling stock and aircraft in their territories in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) and that these vessels, freight vehicles, rolling stock and aircraft may be forfeit

to the seizing State upon a determination that they have been in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution;

25. *Decides* that all States shall detain pending investigation all vessels, freight vehicles, rolling stock, aircraft and cargoes found in their territories and suspected of having violated or being in violation of resolutions 713 (1991), 757 (1992), 787 (1992) or the present resolution, and that, upon a determination that they have been in violation, such vessels, freight vehicles, rolling stock and aircraft shall be impounded and, where appropriate, they and their cargoes may be forfeit to the detaining State;

26. *Confirms* that States may charge the expense of impounding vessels, freight vehicles, rolling stock and aircraft to their owners;

27. *Decides* to prohibit the provision of services, both financial and non-financial, to any person or body for purposes of any business carried on in the Federal Republic of Yugoslavia (Serbia and Montenegro), the only exceptions being telecommunications, postal services, legal services consistent with resolution 757 (1992) and, as approved on a case-by-case basis by the Committee established by resolution 724 (1991), services whose supply may be necessary for humanitarian or other exceptional purposes;

28. *Decides* to prohibit all commercial maritime traffic from entering the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro) except when authorized on a case-by-case basis by the Committee established by resolution 724 (1991) or in case of *force majeure*;

29. *Reaffirms* the authority of States acting under paragraph 12 of resolution 787 (1992) to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to enforce the present resolution and its other relevant resolutions, including in the territorial sea of the Federal Republic of Yugoslavia (Serbia and Montenegro);

30. *Confirms* that the provisions set forth in paragraphs 12 to 29 above, strengthening the implementation of the measures imposed by its earlier relevant resolutions, do not apply to activities related to the United Nations Protection Force, the International Conference on the Former Yugoslavia or the European Community Monitor Mission;

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*Desirous* of achieving the full readmittance of the Federal Republic of Yugoslavia (Serbia and Montenegro) to the international community once it has fully implemented the relevant resolutions of the Council,

31. *Expresses its readiness*, after all three Bosnian parties have accepted the peace plan and on the basis of verified evidence, provided by the Secretary-General, that the Bosnian Serb party is cooperating in good faith in effective implementation of the plan, to review all the measures in the present resolution and its other relevant resolutions with a view to gradually lifting them;

32. *Invites* all States to consider what contribution they can make to the reconstruction of the Republic of Bosnia and Herzegovina;

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

Speaking after the vote, the representative of the United Kingdom said that the resolution just adopted had a triple purpose. The first purpose was to throw the weight of the Council firmly behind the peace process of the two Co-Chairmen and to get across to the Bosnian Serbs that signature of these documents represented the only way to assure their future as a distinct community within Bosnia. The second purpose was to bring home to the Bosnian Serbs and their backers in Belgrade the consequences of rejection, in the form of tightened sanctions and complete isolation. The third was to show that acceptance and implementation of the peace process and the plan, and the cessation of all military attacks, would bring real benefits to all Serbs in the form of a gradual lifting of sanctions and a reintegration into the international family.<sup>68</sup>

The representative of Venezuela stated that only the acceptance of the proposed Peace Agreements offered the international community a chance to improve the situation in Bosnia and Herzegovina. The resolution just adopted was still aimed at applying pressure for peace. He warned, however, that as long as the Security Council did not act to put under real and effective control the heavy arms that were solely in the hands of the Serbs, little would be achieved through economic sanctions, whose effects took time. Venezuela believed that it was essential to discourage the illusion that war and genocide,

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<sup>68</sup> *Ibid.*, pp. 26-27.

carried out with impunity, were legitimate means of manifesting the right to self-determination. It was also necessary to curtail any claim that ethnic, cultural or religious ties gave States the right to interfere in the internal crises of any other State.<sup>69</sup>

The representative of China noted that the resolution just adopted commended the unremitting efforts of the Co-Chairmen in the peace negotiations, reiterated the necessity of achieving a lasting peace acceptable to all the parties in Bosnia and Herzegovina, and emphasized the importance of ensuring the sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina. Those elements were in conformity with China's principled position and it therefore welcomed and supported them in the resolution. At the same time, however, China found it difficult to support such elements in the resolution as the invocation of Chapter VII of the United Nations Charter, the adoption of enforcement measures and the authorization of measures to strengthen and expand the existing sanctions régime against the Federal Republic of Yugoslavia. History had shown that it was impossible to find lasting solutions to conflicts and disputes by exerting pressure externally and adopting such enforcement actions as sanctions. The speaker contended that the actions authorized by the resolution would not only bring suffering to the people in the country targeted by the sanctions régime, but would also be gravely detrimental to the economies of the third countries implementing such sanctions provisions. From the long-term point of view, such a practice would create adverse political and economic consequences for the regions concerned. It was China's view that the international community should continue to explore all possibilities to promote peace negotiations and that it should avoid taking action that might further complicate the issue. China had also noted that there were also some elements in the resolution just adopted that ran counter to the principle of respect for sovereignty contained in the United Nations Charter. Since the resolution contained both elements that China could support and elements that it could not support, the Chinese delegation had abstained in the vote.<sup>70</sup>

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<sup>69</sup> *Ibid.*, pp. 28-31.

<sup>70</sup> *Ibid.*, pp. 31-32.

The representative of Hungary stated that the resolution just adopted was a dilemma for his delegation. He contended that the general arms embargo as well as the economic sanctions regime were not producing the results that the international community had expected because of the specific conditions in the former Yugoslavia, the particular features resulting from the geographic situation of the country, the establishment of domestic mitigating arrangements, and the nature of any sanctions regime which was porous. The Hungarian economy had suffered important losses because of the sanctions regime and the strengthening of the sanctions was going to engender further economic difficulties. However, everything had to be done to put an end to the activity between the territory of the FRY and the zones controlled by the Serbs in the Republic of Bosnia and Herzegovina, and that the military machine of the Serbs in Bosnia was immobilized. In conclusion, his delegation had voted in favour of the resolution just adopted because it was an important step toward a settlement of the crisis in the former Yugoslavia. It had also voted in favour because of the resolution's stipulations reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina, the illegality and unacceptable nature of any acquisition of territory by force and of any practice of "ethnic cleansing", as well as the international community's readiness to take all necessary measures to help implement the peace plan for Bosnia and Herzegovina.<sup>71</sup>

The President, speaking in his capacity as representative of Pakistan, stated that his delegation had consistently declared that the time had come for the international community to demonstrate its firm resolve in compelling the Bosnian Serb party to accept in full the Vance-Owen peace package. In that context, it believed that the Council should take immediate measures for the immobilization of heavy weapons in Bosnia and Herzegovina, and place them under effective international control; that the Council should adopt appropriate measures to ensure the interdiction of arms supplies to the Bosnian Serb party; and that further measures, including stringent financial sanctions, be imposed against the FRY. Pakistan was also of the view that immediate measures should

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<sup>71</sup> *Ibid.*, pp. 33-42.

be taken for the partial lifting of the arms embargo in order to enable the Muslims of Bosnia and Herzegovina to exercise their inherent right of self-defence.<sup>72</sup>

**Consideration of the item** at the 3201<sup>st</sup>, 3202<sup>nd</sup> and 3203<sup>rd</sup> meetings (19, 20 and 20 April 1993)

The Council began its consideration of the item at its 3201<sup>st</sup> and continued through its 3203<sup>rd</sup> meeting. Following the adoption of the agenda, the Council invited the following, at their request, to participate in the discussion without the right to vote. At the 3201<sup>st</sup> meeting, the representatives of Afghanistan, Albania, Algeria, Argentina, Austria, Bahrain, Bosnia and Herzegovina, Bulgaria, Canada, the Comoros, Croatia, Denmark, Ecuador, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Jordan, Lithuania, Malaysia, Malta, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Sweden, Turkey, Ukraine and the United Arab Emirates; and at the 3202<sup>nd</sup> meeting, the representative of the Czech Republic. The Council also extended an invitation, at its 3201<sup>st</sup> meeting, respectively to Mr. Engin Ansay, Permanent Observer of the Organization of the Islamic Conference and at his request, to Ambassador Dragomir Djokic to address the Council in the course of the discussion of the item. At the 3202<sup>nd</sup> meeting, the President drew the attention of the Council members to a letter<sup>73</sup> dated 19 April 1993 from the representative of Iran addressed to the Secretary-General.

Commencing the discussion, the representative of Bosnia and Herzegovina stated that the international community had an obligation to take concrete steps to halt immediately genocide and aggression in his country. Genocide and aggression were the reality of Bosnia and Herzegovina, no matter what attempts were made to exclude those words from the relevant resolutions. The International Court of Justice had defined the situation in Bosnia and Herzegovina as genocide and the Security Council had failed to fulfil its responsibility to stop the aggression and genocide. Nevertheless, the efforts of the non-aligned caucus and other members of the Security Council, in promoting the

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<sup>72</sup> *Ibid.*, pp.44-45.

<sup>73</sup> S/25632.



swift adoption of resolutions 819 (1993) and 820 (1993), and in calling for a more legally and ethically responsible answer to genocide and aggression against Bosnia were most consistent with the principles of the United Nations and international law. Bosnia and Herzegovina fully endorsed the draft resolution before the Council and demanded that the following measures be considered: (a) to take control of or neutralize, by all necessary means, heavy weapons; (b) to interdict supply lines from Serbia and Montenegro to Bosnia and Herzegovina; and (c) to clarify that the arms embargo did not apply to the defence forces of Bosnia and Herzegovina. Should these measures pose an unacceptable risk to the UNPROFOR, the Government of Bosnia and Herzegovina would request that such mission be modified and that its personnel take precautionary measures or withdraw if necessary.<sup>74</sup>

The representative of Slovenia noted that the need for action by the international community was becoming more and more compelling. While resolution 820 (1993) represented a step in the right direction, further thought should be given to the adoption of measures to assist in the implementation of peace, particularly in the case the Vance-Owen plan was not accepted by all parties or if it was accepted in bad faith. The speaker recalled the proposal made on 8 April 1993 by the Foreign Minister of Slovenia, noting that its main thrust was the immediate deployment of the United Nations peacekeeping forces in the territories controlled by the parties which had accepted the Vance-Owen peace plan. Several reasons supported that line of action. First, the troops would be deployed in areas in which United Nations protection was accepted. Secondly, the troops would have a preventive role as a deterrent to further acts of aggression. Thirdly, such deployment would provide an opportunity to develop a more robust mandate of the peacekeeping force in Bosnia and Herzegovina and fourthly, the proposed action was compatible with the existing humanitarian missions. He stressed that further action by the Council should not be made contingent upon agreement of the Serbs to the Vance-Owen peace plan.

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<sup>74</sup> S/PV.3201, pp. 6-11.

The representative of Croatia, referring to the resolution of the General Assembly of 18 December 1992, in which the General Assembly had expressed determination to restore peace in Bosnia and Herzegovina as well as to preserve its unity, sovereignty, political independence and territorial integrity, pointed out that none of those goals had been achieved. Noting that operative paragraph 7 of that resolution had urged the Security Council to consider measures on an urgent basis, no later than 15 January 1993, using all necessary means to stop the Serbian aggression, including the lifting of the arms embargo, he observed that that date had passed long ago and there had only been further destruction and additional territory “ethnically cleansed” by Serbian forces. The fact that Serbian extremists were openly refusing to honour the relevant Security Council resolutions emphasizing the commitment to ensure respect for the sovereignty and territorial integrity of Croatia and Bosnia and Herzegovina must lead to appropriate United Nations action. UNPROFOR mandate should be strengthened and the force should be changed from a peacekeeping to a peacemaking force. The Security Council, acting under Chapter VII, should immediately take the strongest possible measures against the Serbian aggressors. The United Nations must at least lift the arms embargo against Croatia and Bosnia and Herzegovina and provide the Croats and Muslims the opportunity to defend their freedom and human dignity. The speaker concluded by saying that the legitimate right to self-defence inscribed in the United Nations Charter must not be limited for the sake of “dubious political pragmatism”.<sup>75</sup>

Mr. Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, stated that the Secretary-General of the Organization of the Islamic Conference regarded resolutions 819 (1993) and 820 (1993) on Srebrenica and the economic sanctions adopted as inadequate and insufficient. For the OIC, the fall of Srebrenica would sound the “death knell” of the ongoing peace efforts under the auspices of the United Nations and the European Community. Those tragic events constituted an “affront” to the authority of the United Nations and compelled a reassessment of the efficacy of the principle of collective security. The speaker noted that the question before

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<sup>75</sup> *Ibid.*, pp. 73-80.

the Council was no longer one of acting with a view to isolating Serbia or decreeing new economic sanctions against it. Rather, the tragic course of events called for vigorous and determined action on the part of the Security Council. The OIC called for the immediate lifting of the “iniquitous” arms embargo against Bosnia and Herzegovina and the adoption of effective military measures under the aegis of the Security Council to bring the Serbian aggression to an end. Those measures included, *inter alia*, interdicting the supply line from Serbia and Montenegro and placing all heavy weapons under the control of the international community.<sup>76</sup>

The representative of the Ukraine said that in his delegation’s view, enforcement measures taken so far by the Council against the FRY were designed to bring about a speedy resolution to the crisis in the region. At the same time, it was incumbent upon the Security Council to adopt measures to mitigate the negative consequences of the sanctions for those States which not only complied with the sanctions, but were also entrusted with the task of ensuring the enforcement of the sanctions régime. Ukraine believed that the time had come, especially after the adoption of resolution 820 (1993), to find practical ways to implement Article 50 of the United Nations Charter. Such a decision would make sanctions an effective instrument, enjoying the support of the international community as a whole. It was necessary to remember that Security Council sanctions were directed against a specific State or States, and that other countries of the region must not be the eventual or unintentional targets of enforcement measures. Thus, there should be close cooperation between the Sanctions Committees and regional arrangements, including sanctions assistance missions.<sup>77</sup>

Ambassador Djokic noted that despite the fact that his delegation had stated on numerous occasion that the Federal Republic of Yugoslavia had no territorial claims on its neighbours and that, since May 1992, not a single soldier of the Yugoslav army had remained in the territory of Bosnia and Herzegovina, the international community continued to label Yugoslavia as the aggressor and called for its punishment and

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<sup>76</sup> *Ibid.*, pp. 81-85.

<sup>77</sup> *Ibid.*, pp. 31-35.

isolation. Moreover, the positive role of the FRY in the peace process had been ignored by the Security Council in all its relevant resolutions. While the FRY shared the concern and impatience of the international community and understood the responsibility of the Security Council in its effort to reinstate peace and security in the region, it believed, however, that peace and security could not be achieved by isolating one side and imposing new sanctions on the people of the Federal Republic of Yugoslavia. The isolation of the Federal Republic of Yugoslavia could not lead to peace, but could only contribute to the destabilization of the entire Balkan region. The closing of the Danube was itself a measure which posed a great danger to the region and the introduction of new punitive measures could only cause more innocent victims, suffering and instability. The speaker concluded by saying that the FRY remained fully committed to the policy of peace and to overcoming the crisis in Bosnia and Herzegovina by political means, on the basis of equal respect for the legitimate rights of all three constituent peoples. In that regard, the FRY would continue to cooperate closely with the United Nations and its representatives. It would, however, firmly defend its sovereignty and territorial integrity if forced to do so.<sup>78</sup>

In the course of the discussions, several speakers<sup>79</sup> agreed that the situation on the ground in Bosnia called for more decisive action to be taken by the Council. Proposed measures included the following: (a) placing heavy weapons under United Nations control; (b) establishing additional safe areas; (c) interdicting the supply lines of the Serbian forces in Bosnia; and (d) lifting the arms embargo in order to allow the Republic of Bosnia and Herzegovina to exercise its right to self defence under Article 51 of the Charter. Concerning the lifting of the arms embargo, some speakers<sup>80</sup>, however, were of the view that such measure would more likely lead to further escalation of violence.

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<sup>78</sup> S/PV.3203., pp. 26-38.

<sup>79</sup> S/PV.3201: Turkey, pp.11-18; Austria, pp. 18-22; Malaysia, pp. 23-27; Senegal, pp. 27-31; Iran, pp. 31-37; Indonesia, pp. 38-43; Afghanistan, pp. 67-72; S/PV. 3202: United Arab Emirates, pp. 10-13; Comoros, pp. 13-22; Egypt, pp. 28-30; Jordan, pp. 3-8; Algeria, pp. 12-16; Saudi Arabia, pp. 16-21;

<sup>80</sup> S/PV.3201: Sweden, pp. 43-47; S/PV.3203: Denmark, pp. 45-48; Argentina, pp. 57-62.

A number<sup>81</sup> of speakers argued that if the Council did not shoulder its responsibilities and did not act, then the Members of the United Nations should consider convening a special session of the General Assembly to take action.

Several speakers<sup>82</sup> drew attention to the effects of economic sanctions on neighbouring countries and to the need for the international community and the Security Council to address that issue.

**Decision of 21 April 1993: note by the President**

On 21 April 1993, after consultations with the members of the Council, the President issued the following note<sup>83</sup> on behalf of the members of the Council:

“The President of the Security Council wishes to refer to resolution 819 (1993) adopted by the Council at its 3199th meeting on 16 April 1993 in connection with the situation in the Republic of Bosnia and Herzegovina.

“In paragraph 12 of the resolution, the Council decided to send, as soon as possible, a mission of members of the Council to Bosnia and Herzegovina to ascertain the situation and report thereon to the Council.

“In accordance with that decision, the President wishes to report that he has had consultations with the members of the Council and that agreement has been reached that the mission will be composed of the following six members of the Council: France, Hungary, New Zealand, Pakistan, The Russian Federation n Federation and Venezuela.”

**Decision of 21 April 1993: statement by the President to the media**

On 21 April 1993, after consultations with the members of the Council, the President made the following statement to the media<sup>84</sup> on behalf of the members of the Council:

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<sup>81</sup> S/PV.3201: Malaysia, pp. 23-27; S/PV.3202: Egypt, pp.22-30.

<sup>82</sup> S/PV.3201: Romania, pp. 59-66; S/PV. 3202: Bulgaria, pp. 3-10; S/PV.3203: Argentina, pp. 57-62.

<sup>83</sup> S/25645.

<sup>84</sup> S/25646.

“The members of the Security Council are deeply concerned by the reports on the outbreak of military hostilities between Bosnian governmental forces and Bosnian Croat paramilitary units north and west of Sarajevo. They are appalled by the reports corroborated by the United Nations Protection Force (UNPROFOR) of atrocities and killings, in particular the setting on fire of Muslim houses and the shooting of entire families in two villages by Bosnian Croat paramilitary units.

“The members of the Council strongly condemn this new outbreak of violence undermining the overall efforts to establish a cease-fire and achieve a political solution of the conflict in the Republic of Bosnia and Herzegovina, and demand that Bosnian governmental forces and Bosnian Croat paramilitary units cease immediately those hostilities and that all parties refrain from taking any action which endangers the lives and well-being of the inhabitants of the region, strictly comply with their previous commitments including the cease-fire, and redouble their efforts to settle the conflict. They call upon all the parties to cooperate with the current efforts in this regard by UNPROFOR and Lord Owen, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

“The members of the Council also demand that the Bosnian Serbs fully implement resolution 819 (1993) of 16 April 1993, including the immediate withdrawal from the areas surrounding Srebrenica, and allow UNPROFOR personnel unimpeded access to the town.”

**Decision** of 6 May 1993 (3208<sup>th</sup> meeting): resolution 824 (1993)

By a letter<sup>85</sup> dated 30 April 1993 addressed to the President of the Security Council, the Security Council mission to Bosnia and Herzegovina, pursuant to resolution 819 (1993), transmitted its report to the Council. The mission composed by France, Hungary, New Zealand, Pakistan, the Russian Federation and Venezuela reported that it had traveled to the region from 22 to 27 April 1993 and met with the leaders of all the parties to the conflict in Bosnia and Herzegovina, as well as with the President of Croatia, the Vice-President of Bosnia and Herzegovina and the Force Commander of

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<sup>85</sup> S/25700

UNPROFOR. The mission found that Srebrenica was under siege and that the conditions there were inhuman. As for Gorazde, Zepa, Tuzla and Sarajevo they should be declared immediately safe areas. In its conclusions, the mission recognized that the designation of those towns as safe areas would require a larger UNPROFOR presence and a revised mandate to encompass cease-fire/safe area monitoring, and different rules of engagement. Enforcement measures could be considered at a later stage if the Serbs were to ignore the integrity of Security Council safe areas.

At its 3208<sup>th</sup> meeting, on 6 May 1993, the Council included the above report in its agenda.

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 (the Russian Federation) then drew the attention of the Council members to the text of a draft resolution<sup>86</sup> prepared in the course of the Council's prior consultations and to several other documents.<sup>87</sup>

Speaking before the vote, the representative of France stated that the draft resolution was intended to convey the concern of the Council in the face of a further deterioration in the situation in Bosnia and Herzegovina, and a growing threat to the security of the civilian population in a number of communities, particularly in the eastern part of the country. The Council's concern had been heightened by the fact that UNPROFOR military observers had recently been prevented from reaching the city of Zepa, where they had intended to gain an overview of the situation. In requesting that the parties treat the cities of Zepa, Gorazde, Tuzla, Bihac and Sarajevo as safe areas, free from armed attacks and from other hostile acts likely to endanger the well-being and safety of their inhabitants, the Security Council was sending a signal to the parties: the civilian population must no longer be made to bear the consequences of the Bosnian conflict. In that regard, the example of Srebrenica had provided a valuable experience by showing both the limits and the advantages arising from the establishment of a safe area.

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<sup>86</sup> S/25722.

<sup>87</sup> Letter dated 30 April 1993 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council (S/25170); letter dated 30 April 1993 from the representative of Pakistan addressed to the Secretary-General (S/25714); letters dated 4 and 5 May respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25718, S/25728 and S/25730); letter dated 6 May 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25731).

The most important thing was to save human lives seriously threatened by the extension of the conflict.<sup>88</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 824 (1993). The resolution reads as follows:

*The Security Council,*  
*Reaffirming* all its earlier relevant resolutions,  
*Reaffirming also* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Having considered* the report of the Security Council mission to the Republic of Bosnia and Herzegovina authorized by resolution 819 (1993) of 16 April 1993, and in particular its recommendations that the concept of safe areas be extended to other towns in need of safety,

*Reaffirming again its condemnation* of all violations of international humanitarian law, in particular “ethnic cleansing” and all practices conducive thereto, as well as the denial or the obstruction of access of civilians to humanitarian aid and services such as medical assistance and basic utilities,

*Taking into consideration* the urgent security and humanitarian needs faced by several towns in Bosnia and Herzegovina as exacerbated by the constant influx of large numbers of displaced persons including, in particular, the sick and wounded,

*Taking also into consideration* the formal request submitted by Bosnia and Herzegovina,  
*Deeply concerned* at the continuing armed hostilities by Bosnian Serb paramilitary units against several towns in Bosnia and Herzegovina, and determined to ensure peace and stability throughout the country, most immediately in the towns of Sarajevo, Tuzla, Zepa, Gorazde and Bihac, as well as Srebrenica,

*Convinced* that the threatened towns and their surroundings should be treated as safe areas, free from armed attacks and from any other hostile acts which endanger the well-being and the safety of their inhabitants,

*Aware* in this context of the unique character of the city of Sarajevo, as a multicultural, multi-ethnic and pluri-religious centre which exemplifies the viability of coexistence and interrelations between all the communities of Bosnia and Herzegovina, and of the need to preserve it and avoid its further destruction,

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<sup>88</sup> S/PV.3208, pp. 8-10.



*Affirming* that nothing in the present resolution should be construed as contradicting or in any way departing from the spirit or the letter of the peace plan for the Republic of Bosnia and Herzegovina,

*Convinced* that treating the towns referred to above as safe areas will contribute to the early implementation of the peace plan,

*Convinced also* that further steps must be taken as necessary to achieve the security of all such safe areas,

*Recalling* the provisions of resolution 815 (1993) of 30 March 1993 on the mandate of the United Nations Protection Force, and in that context acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Security Council mission established pursuant to resolution 819 (1993), and in particular its recommendations concerning safe areas;

2. *Demands* that any taking of territory by force cease immediately;

3. *Declares* that the capital city of the Republic of Bosnia and Herzegovina, Sarajevo, and other such threatened areas, in particular the towns of Tuzla, Zepa, Gorazde and Bihac, as well as Srebrenica, and their surroundings should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act;

4. *Also declares* that in these safe areas the following should be observed:

(a) The immediate cessation of armed attacks or any hostile act against these safe areas, and the withdrawal of all Bosnian Serb military or paramilitary units from these towns to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants, to be monitored by United Nations military observers;

(b) Full respect by all parties of the rights of the United Nations Protection Force and the international humanitarian agencies to free and unimpeded access to all safe areas in Bosnia and Herzegovina and full respect for the safety of the personnel engaged in these operations;

5. *Demands* to that end that all parties and others concerned cooperate fully with the Force and take any necessary measures to respect these safe areas;

6. *Requests* the Secretary-General to take appropriate measures with a view to monitoring the humanitarian situation in the safe areas, authorizes to that end the strengthening of the Force by an additional fifty United Nations military observers, together with related equipment and logistical support, and in this connection also demands that all parties and all others concerned cooperate fully and promptly with the Force;

7. *Declares its readiness*, in the event of the failure by any party to comply with the present resolution, to consider immediately the adoption of any additional measures

necessary with a view to its full implementation, including to ensure respect for the safety of United Nations personnel;

8. *Declares* that arrangements pursuant to the present resolution shall remain in force until the provisions for the cessation of hostilities, separation of forces and supervision of heavy weaponry as envisaged in the peace plan for the Republic of Bosnia and Herzegovina are implemented;

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

Speaking after the vote, the representative of the United States reminded the Bosnian Serb leadership that her Government had made it clear that it was consulting with its allies about new, stronger and tougher measures. The implementation, or lack thereof, of the resolution just adopted and all other relevant Security Council resolutions over the following few days would determine whether the United States and the rest of the international community would have to decide that the use of force was inevitable.<sup>89</sup>

The representative of Pakistan stated that his delegation was pleased at the unanimous adoption of resolution 824 (1993). Pakistan believed that declaring those threatened areas in Bosnia and Herzegovina to be safe areas would go a long way to ensuring the safety of civilian populations in the region. He observed that the international community was witnessing escalating defiance of its will by the Bosnian Serbs. In total disregard of the mandatory resolutions of the Security Council, the Bosnian Serbs had persisted in their “repulsive” policy of “ethnic cleansing” and genocide. The time had come for the Council to compel the Serbian side to accept the Vance-Owen peace plan. Pakistan believed that the Council should take immediate appropriate measures, including the authorization of the use of force under Chapter VII of the United Nations Charter, to ensure: (a) that all heavy weapons in Bosnia and Herzegovina were placed under effective international physical control or neutralized; (b) the interdiction of all arms supplies to the Bosnian Serbs; (c) the institution of appropriate measures for reparations for the Government of Bosnia and Herzegovina by Serbia and Montenegro; (d) that Serbia and Montenegro was liable, under international

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<sup>89</sup> *Ibid.*, pp. 11-13.

law, for any direct loss or damage, including environmental damage, or injury to foreign Governments, nationals or corporations as a result of its aggression against Bosnia and Herzegovina; and (e) the effective imposition of a comprehensive economic and financial blockade against Serbia and Montenegro. Pakistan also believed that States Members of the United Nations should extend their cooperation to Bosnia and Herzegovina in the exercise of its inherent right of individual and collective self-defence, in accordance with Article 51 of Chapter VII of the United Nations Charter, including the supply of arms to enable them to defend themselves.<sup>90</sup>

The representative of Hungary noted that the resolution just adopted reaffirmed the inadmissibility of any acquisition of territory by force. Hungary believed that the resolution could be seen, on the one hand, as part of the process of implementation of the Vance-Owen plan and, on the other hand, as a follow-up to the preventive diplomacy efforts. The Council must be prepared, if necessary, to consider immediately the necessary steps to ensure implementation of resolution 824 (1993).<sup>91</sup>

The President, speaking in his capacity as representative of the Russian Federation, noted that his country's leaders had repeatedly said that there was no alternative to the Vance-Owen plan, and that they had pointed out that any party that did not adopt the plan bore a heavy responsibility. Following the talks in Athens, there should be no further obstacles to the implementation of the Vance-Owen plan. If the plan was not adopted and carried out, the Russian Federation delegation was prepared to discuss further and harsher steps, to put an end to attempts to attain further territorial gains by military force, to any actions that resulted in suffering for the Bosnian people and in violations of international humanitarian law. The Russian Federation supported the creation of additional safe areas in Bosnia and Herzegovina, and had therefore voted in favour of the resolution just adopted. It believed that the creation of safe areas, with the

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<sup>90</sup> *Ibid.*, pp. 14-16.

<sup>91</sup> *Ibid.*, pp. 18-20.

presence of United Nations personnel, would help to improve the humanitarian situation in Bosnia and Herzegovina and to achieve a peaceful settlement.<sup>92</sup>

**Decision** of 10 May 1993 (3210<sup>th</sup> meeting): statement by the President

At its 3210<sup>th</sup> meeting, on 10 May 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (the Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>93</sup> on behalf of the Council which included a number of revisions agreed upon by Council members:

“The Security Council, recalling its statement of 21 April 1993 concerning the atrocities and killings in areas north and west of Sarajevo, expresses its grave concern at the major new military offensive launched by Bosnian Croat paramilitary units in the areas of Mostar, Jablanica and Dreznica.

“The Council strongly condemns this major military offensive launched by Bosnian Croat paramilitary units, which is totally inconsistent with the signature of the peace plan for the Republic of Bosnia and Herzegovina by the Bosnian Croat party. The Council demands that the attacks against the areas of Mostar, Jablanica and Dreznica cease forthwith, that Bosnian Croat paramilitary units withdraw immediately from the area and that all the parties strictly comply with their previous commitments as well as with the cease-fire agreed to today between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party.

“The Council also expresses its deep concern that the battalion of the United Nations Protection Force (UNPROFOR) in the area has been forced under fire to redeploy as a result of this latest offensive and condemns the refusal of Bosnian Croat paramilitary units to allow the presence of United Nations military observers, in particular in the city of Mostar.

“The Council once again reiterates its demand that UNPROFOR personnel be allowed unimpeded access throughout Bosnia and Herzegovina, and in this particular case demands

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<sup>92</sup> *Ibid.*, pp. 24-26.

<sup>93</sup> S/25746.

that the Bosnian Croat paramilitary units ensure the safety and security of UNPROFOR as well as all United Nations personnel in the areas of Mostar, Jablanica and Dreznica. In this connection, the Council expresses its deep concern at the increasing hostile attitude of Bosnian Croat paramilitary units towards UNPROFOR personnel.

“The Council calls upon the Republic of Croatia, in accordance with the commitments under the Zagreb agreement of 25 April 1993, to exert all its influence on the Bosnian Croat leadership and paramilitary units with a view to ceasing immediately their attacks particularly in the areas of Mostar, Jablanica and Dreznica. It further calls on Croatia to adhere strictly to its obligations under Council resolution 752 (1992) of 15 May 1992, including putting an end to all forms of interference and respecting the territorial integrity of Bosnia and Herzegovina.

“The Council once again reaffirms the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina and the unacceptability of the acquisition of territory by force and the practice of ‘ethnic cleansing’.

“The Council remains seized of the matter and is ready to consider further measures to ensure that all parties and others concerned abide by their commitments and fully respect relevant Council decisions.”

#### **Decision of 22 May 1993: letter from the President to the Secretary-General**

By a letter<sup>94</sup> dated 14 May 1993 addressed to the President of the Security Council, the Secretary-General referred to recent developments in Bosnia and Herzegovina and attached the text of an agreement on the cessation of hostilities, concluded between the Bosnian Croat and Bosnian Muslim sides on 12 May 1993, in Mostar. The Secretary-General noted that in terms of its mandate under resolution 776 (1992), UNPROFOR had found that the fighting in Mostar was extremely disruptive for the delivery of humanitarian relief aid. The Force therefore had no choice but to intervene if its original mandate were to be implemented. Recalling resolution 824 (1993), in which the Council had declared a number of safe areas and had referred to “other such threatened areas”, the Secretary-General observed that Mostar qualified as a “threatened area.” That consideration had helped to set the terms of UNPROFOR's active involvement in witnessing the agreement concluded on 12 May 1993 and in, *inter alia*,

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<sup>94</sup> S/25824.

deploying a company of the Spanish Battalion in an interposition role. The presence of UNPROFOR was an integral part of the cease-fire agreement and had without doubt helped to defuse the tension and stabilize the situation. Nonetheless, some concern had been expressed in the Security Council about the formal mandate of UNPROFOR in that regard. That concern also applied to the involvement of civilian police officers provided for in the agreement of 12 May 1993, for which no authorization from the Security Council existed. In order to clarify the mandate, the Secretary-General requested confirmation as to whether the above interpretation of the mandate of UNPROFOR was acceptable to the Security Council.

By a letter<sup>95</sup> dated 22 May 1993, the President of the Security Council informed the Secretary-General as follows:

“I have the honour to inform you that your letter dated 14 May 1993 concerning the United Nations Protection Force (UNPROFOR)<sup>45</sup> has been brought to the attention of the members of the Council. Regarding the situation in the area of Mostar, they agree with the interpretation of the mandate of UNPROFOR contained in your letter.”

**Decision** of 4 June 1993 (3228<sup>th</sup> meeting): resolution 836 (1993)

At its 3228<sup>th</sup> meeting, on 4 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members to the text of a draft resolution<sup>96</sup> submitted by France, the Russian Federation, Spain, the United Kingdom and the United States, and to several other documents.<sup>97</sup>

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<sup>95</sup> S/25825.

<sup>96</sup> S/25870.

<sup>97</sup> *Note verbale* dated 19 May 1993 from the representative of France addressed to the President of the Security Council (S/25800); letter dated 21 May 1993 from the representative of Italy addressed to the Secretary-General (S/25823); letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Security Council, enclosing a joint action programme on Bosnia and Herzegovina, formulated by the Foreign Ministers of those States in Washington, D.C., on 22 May 1995 (S/25829); letter dated 14 May 1993 from the representative of Pakistan addressed to the President of the Security Council, transmitting a memorandum on the situation in Bosnia and Herzegovina that was formulated by the

At the meeting, the representative of Bosnia and Herzegovina stated that, although his delegation had not been consulted on the content of the draft resolution, it had nevertheless made a number of key suggestions which had been rejected. First, the safe areas concept should be applied more broadly to address the threats against other population centres in Bosnia and Herzegovina. Second, a time-frame should be established in which there would be a shift from the temporary relief offered by the safe areas programme to the implementation of the Vance-Owen plan. Third, if the Bosnian Serbs were unwilling to accept the Vance-Owen plan by a stipulated date, then either all necessary measures should be employed to restore peace, or the right of Bosnia and Herzegovina to act in self-defence, consistent with Article 51, should be fully recognized. Fourth, the United Nations should develop a mandate, drawing on all the resources necessary to defend the safe areas, and produce a realistic plan for implementing and enforcing that mandate. Fifth, the period for reviewing the implementation of the resolution should have been shortened from 60 days to 30 days.<sup>98</sup>

The representative of Turkey observed that the draft resolution fell short of his delegation's expectations. The draft resolution should have included a deadline for initiating the implementation of the Vance-Owen plan; a guarantee of effective enforcement measures to reverse the consequences of the use of force; and an acknowledgement of Bosnia and Herzegovina's inherent right to self-defence. He stressed that Bosnia and Herzegovina should be exempted without delay from the arms embargo, in accordance with its inherent right of collective self-defence under Article 51 of the Charter of the United Nations.<sup>99</sup>

Speaking before the vote, the representative of France noted that, following the adoption by France, the Russian Federation, the United Kingdom and the United States of

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members of the Council that were members of the Non-Aligned Movement (S/25782); letter dated 25 May 1993 from the representative of Pakistan addressed to the Secretary-General, transmitting a declaration on the situation in Bosnia and Herzegovina, adopted by the OIC in New York on 29 May 1993 (S/25860); letters dated 30 May, 2 June and 2 June 1993, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council (S/25872, S/25877 and S/25878).

<sup>98</sup> S/PV.3228, pp. 3-8.

<sup>99</sup> *Ibid.*, pp. 8-11.

a joint programme of action on the situation in Bosnia and Herzegovina, on 22 May 1993 in Washington, France and its partners had proposed that the Council adopt a resolution ensuring full respect for the safe areas named in resolution 824 (1993) and extending the mandate of UNPROFOR. The draft resolution addressed an “immediate, vital humanitarian objective” of ensuring the survival of civilian populations in the safe areas, as well as a “paramount political objective” of maintaining the territorial basis necessary for the development and implementation of the Peace Plan for Bosnia and Herzegovina. Stressing that the designation and protection of safe areas was a temporary measure and not an end in itself, the speaker stated that the Vance-Owen plan remained the basis for any settlement. He added that the draft resolution would strengthen UNPROFOR, enabling it to protect the safe areas by deterring attacks, monitoring the cease-fire, promoting the withdrawal of military units, and by occupying several key points on the ground. Furthermore, the draft resolution explicitly provided for the possibility of using force to respond to bombardments against the safe freedom of movement of UNPROFOR and of humanitarian convoys. It also provided for the use of air power within and around the safe areas, if necessary to support UNPROFOR in the fulfilment of its mandate.<sup>100</sup>

The representative of Venezuela noted that the draft resolution had been put to the vote despite a request made by his delegation to wait for a report by the Secretary-General on the means he would need to implement the resolution. He contended that the draft resolution was incomplete in scope and contrary to its own objectives. Furthermore, his delegation was of the view that safe areas should be temporary, intermediate steps in the peace process. They should not be a substitute for peace. Safe areas should guarantee freedom of movement into and out of the area; international military presence, unrestricted presence of humanitarian agencies; the right to humanitarian assistance; respect for human rights; uninterrupted access to basic services; and access to economic activities. In addition to being provided security, these areas should be able to restore their civil government, local police and social services. These conditions were almost the exact opposite of these existing today in the so-called safe

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<sup>100</sup> *Ibid.*, pp. 11-14.



areas and the draft resolution before the Council did not address their main points. The speaker further noted that the Government of Bosnia and Herzegovina had communicated to the Council its rejection of the particular modality of “safe areas” as contained in the draft resolution but that position had not even been considered by the Council. He also recalled that his delegation had taken an active part in working on the resolutions that provided for the creation of “safe areas” for Sarajevo and other cities and it could thus never be opposed to the concept. His delegation was opposed to the shape that humanitarian modality had taken in practice. The speaker concluded by saying that while there had been an attempt to negotiate the Peace Plan, Bosnia had lost two thirds of its territory and its people had been the victims of crimes and violations on an unprecedented scale. That was the time for the Council to really take action, not just appear to be taking action. For all these reasons, his delegation would abstain from the vote on the draft resolution.<sup>101</sup>

The representative of Pakistan recalled that his country, together with other non-aligned members of the Council, had been the proponent of the concept of safe areas. The experience in Srebrenica, Zepa and Gorazde, however, had revealed fundamental shortcomings in that concept in the absence of the international community’s commitment to endorse the Vance-Owen peace plan. Turning to the draft resolution, he stated that in his delegation view, the draft resolution did not address certain core issues in the conflict. Unless the measures contained in the draft resolution were supplemented by enforcement actions in a given time-frame and as part of an overall plan, the situation on the ground might be frozen to the advantage of the Serbs. Moreover, the modality of safe areas as contained in the draft resolution was not in full conformity with Pakistan’s political and humanitarian concerns. The concept of safe area would only be acceptable to the Pakistani delegation if the international community committed itself to the full implementation of the Vance-Owen peace plan, and in particular to its provisions on territorial arrangements for Bosnian Muslim communities. All Bosnian Muslim regions, as specified in the Peace Plan, and Sarajevo, should be declared safe areas, and those

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<sup>101</sup> *Ibid.*, pp. 14-26.

regions already identified as safe areas should be given the maximum possible protection. For these reasons, his delegation would abstain in the vote on the draft resolution.<sup>102</sup>

The draft resolution was then put to the vote and adopted by 13 votes to none, with 2 abstentions (Pakistan, Venezuela) as resolution 836 (1993). The resolution reads as follows:

*The Security Council,*  
*Reaffirming* its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,  
*Reaffirming in particular* its resolutions 819 (1993) of 16 April 1993 and 824 (1993) of 6 May 1993, in which it demanded that certain towns and their surrounding areas in the Republic of Bosnia and Herzegovina should be treated as safe areas,  
*Reaffirming* the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,  
*Condemning* military attacks, and actions that do not respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, which, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,  
*Reiterating its alarm* at the grave and intolerable situation in Bosnia and Herzegovina arising from serious violations of international humanitarian law,  
*Reaffirming once again* that any taking of territory by force or any practice of “ethnic cleansing” is unlawful and totally unacceptable,  
*Commending* the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party for having signed the Vance-Owen plan,  
*Gravely concerned* at the persistent refusal of the Bosnian Serb party to accept the Vance-Owen plan, and calling upon that party to accept the peace plan for the Republic of Bosnia and Herzegovina in full,  
*Deeply concerned* by the continuing armed hostilities in the territory of Bosnia and Herzegovina which run totally counter to the peace plan,  
*Alarmed* by the resulting plight of the civilian population in the territory of Bosnia and Herzegovina, in particular in Sarajevo, Bihac, Srebrenica, Gorazde, Tuzla and Zepa,

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<sup>102</sup> *Ibid.*, pp. 27-30.

*Condemning* the obstruction, primarily by the Bosnian Serb party, of the delivery of humanitarian assistance,

*Determined* to ensure the protection of the civilian population in safe areas and to promote a lasting political solution,

*Confirming* the ban on military flights in the airspace of Bosnia and Herzegovina, established by resolutions 781 (1992) of 9 October 1992, 786 (1992) of 10 November 1992 and 816 (1993) of 31 March 1993,

*Affirming* that the concept of safe areas in Bosnia and Herzegovina as contained in resolutions 819 (1993) and 824 (1993) was adopted to respond to an emergency situation, and noting that the concept proposed by France in document S/25800 and by others could make a valuable contribution and should not in any way be taken as an end in itself, but as a part of the Vance-Owen process and as a first step towards a just and lasting political solution,

*Convinced* that treating the towns and surrounding areas referred to above as safe areas will contribute to the early implementation of that objective,

*Stressing* that the lasting solution to the conflict in Bosnia and Herzegovina must be based on the following principles: immediate and complete cessation of hostilities, withdrawal from territories seized by the use of force and “ethnic cleansing”, reversal of the consequences of “ethnic cleansing” and recognition of the right of all refugees to return to their homes, and respect for the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina,

*Noting* the crucial work being done throughout Bosnia and Herzegovina by the United Nations Protection Force and the importance of such work continuing,

*Determining* that the situation in Bosnia and Herzegovina continues to be a threat to international peace and security,

*Acting* under Chapter VII of the Charter,

1. *Calls* for the full and immediate implementation of all its relevant resolutions;
2. *Commends* the peace plan for the Republic of Bosnia and Herzegovina as contained in document S/25479;
3. *Reaffirms* the unacceptability of the acquisition of territory by the use of force and the need to restore the full sovereignty, territorial integrity and political independence of Bosnia and Herzegovina;
4. *Decides* to ensure full respect for the safe areas referred to in resolution 824 (1993);
5. *Also decides* to extend to that end the mandate of the United Nations Protection Force in order to enable it, in the safe areas referred to in resolution 824 (1993), to deter attacks

against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776 (1992) of 14 September 1992;

6. *Affirms* that these safe areas are a temporary measure and that the primary objective remains to reverse the consequences of the use of force and to allow all persons displaced from their homes in Bosnia and Herzegovina to return to their homes in peace, beginning, *inter alia*, with the prompt implementation of the provisions of the Vance-Owen plan in areas where those have been agreed by the parties directly concerned;

7. *Requests* the Secretary-General, in consultation, *inter alia*, with the Governments of the Member States contributing forces to the Force:

(a) To make the adjustments or reinforcement of the Force which might be required by the implementation of the present resolution, and to consider assigning elements of the Force in support of the elements entrusted with protection of safe areas, with the agreement of the Governments contributing forces;

(b) To direct the Force Commander to redeploy to the extent possible the forces under his command in Bosnia and Herzegovina;

8. *Calls upon* Member States to contribute forces, including logistic support, to facilitate the implementation of the provisions regarding the safe areas, expresses its gratitude to Member States already providing forces for that purpose, and invites the Secretary-General to seek additional contingents from other Member States;

9. *Authorizes* the Force, in addition to the mandate defined in resolutions 770 (1992) of 13 August 1992 and 776 (1992), in carrying out the mandate defined in paragraph 5 above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of the Force or of protected humanitarian convoys;

10. *Decides* that, notwithstanding paragraph 1 of resolution 816 (1993), Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support the Force in the performance of its mandate set out in paragraphs 5 and 9 above;

11. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are taking to implement paragraph 10 above and to report to the Council through the Secretary-General;

12. *Invites* the Secretary-General to report to the Council, for decision, if possible within seven days of the adoption of the present resolution, on the modalities of its implementation, including its financial implications;

13. *Also invites* the Secretary-General to submit to the Council, not later than two months after the adoption of the present resolution, a report on the implementation of and compliance with the present resolution;

14. *Emphasizes* that it will keep open other options for new and tougher measures, none of which is prejudged or excluded from consideration;

15. *Decides* to remain actively seized of the matter, and undertakes to take prompt action, as required.

Speaking after the vote, the representative of Brazil observed that the resolution just adopted was to be understood as a temporary measure, with the twofold objective of preserving the safety of the populations in the safe areas and restoring normalcy to those areas. Referring to the concern that the implementation of the safe areas concept might lead to a freezing of the existing situation, thus rewarding “military might” to the detriment of the Muslim community, the speaker noted that Brazil considered it essential that, in due course, the resolution just adopted be complemented by appropriate additional measures. Brazil continued to believe that the ultimate solution to the conflict in Bosnia and Herzegovina must come through negotiation and peaceful means, and that the Vance-Owen plan therefore retained its “full value”.<sup>103</sup>

The representative of the Russian Federation stated that the tragic events that had recently taken place in safe areas made it necessary to expand UNPROFOR’s mandate, in order to ensure the safe areas, deter aggression, monitor the cease-fire, and allow for the unhindered delivery of humanitarian assistance. The Russian Federation was convinced that the implementation of the resolution just adopted would help to curb the violence.

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<sup>103</sup> *Ibid.*, pp. 42-43.

Henceforth, any military attacks against, shelling of, incursions into, or hindrance of humanitarian deliveries to, the safe areas, would be responded to by United Nations forces through the use of all necessary measures, including the use of armed force. That would be an important factor in stabilizing the situation in those areas and for lessening the suffering of the civilian population. The speaker further contended that by adopting the resolution, the Council had taken a concrete step towards the implementation of the joint programme of action adopted at Washington on 22 May by the Ministers for Foreign Affairs of France, the Russian Federation n Federation, Spain, the United Kingdom and the United States. He noted in that regard that the Washington programme did not exclude the adoption of new, firmer measures.<sup>104</sup>

The representative of the United States observed that the resolution just adopted was an intermediate step. Both the Security Council and the Governments that had developed the Washington programme of action had agreed that they would keep open options for new and tougher measures. Her Government's view of what these tougher measures should be had not changed. It expected full cooperation of the Bosnian Serb party in implementing the resolution. If that cooperation was not forthcoming, the United States would move to seek further action in the Council.<sup>105</sup>

The representative of China stated that the continued escalation of the conflict in Bosnia and Herzegovina constituted a great threat to peace and security in the region. Under those circumstances, the establishment of safe areas might as well be tried as a temporary measure, even though they could not provide a fundamental solution to the conflict, and they could not supplant the Vance-Owen plan for a comprehensive political solution to the conflict. Reiterating China's position that international disputes should be settled through dialogue and negotiation, rather than through the threat or use of force, the speaker stated that his delegation had reservations regarding the invocation of Chapter

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<sup>104</sup> *Ibid.*, pp. 43-47.

<sup>105</sup> *Ibid.*, pp. 47-48.

VII in the resolution just adopted, as it feared that further military action might complicate the issue and adversely affect the peace process.<sup>106</sup>

The representative of the United Kingdom, acknowledging that the safe areas would not stop the war and were therefore a temporary measure, argued that they could nevertheless provide areas of stability and complement the important efforts undertaken by United Nations forces throughout Bosnia. Referring to suggestions that the policy of safe areas might be combined with a lifting of the arms embargo, the speaker noted that the two policies were “distinct and alternative” and contended that it would be hard to reconcile the supply of arms with United Nations peacekeeping on the ground. He concluded by stating that as the resolution made clear, neither the Washington Agreement, nor the view of his Government ruled out other stronger measures as the situation developed.<sup>107</sup>

**Decision** of 10 June 1993 (3234<sup>th</sup> meeting): resolution 838 (1993)

At its 3234<sup>th</sup> meeting, on 10 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 then drew the attention of the Council members to the text of a draft resolution<sup>108</sup> submitted by France, the Russian Federation, Spain, the United Kingdom and the United States, and read out a revision to be made to the draft. He also drew the attention of the Council members to several other documents<sup>109</sup>. The draft resolution was then put to the vote, as orally revised in its provisional form, and adopted unanimously as resolution 838 (1993). The resolution reads as follows:

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<sup>106</sup> *Ibid.*, pp. 48-49.

<sup>107</sup> *Ibid.*, pp. 56-58.

<sup>108</sup> S/25798.

<sup>109</sup> Letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Council (S/25829); letter dated 1 June 1993 from the representative of Croatia addressed to the President of the Council (S/25874); letter dated 8 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Council (S/25907).

*The Security Council,*

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

*Reaffirming also* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

*Reiterating* the demands in its resolution 752 (1992) of 15 May 1992 and subsequent relevant resolutions that all forms of interference from outside Bosnia and Herzegovina cease immediately and that its neighbours take swift action to end all interference and respect its territorial integrity,

*Recalling* the demand in its resolution 819 (1993) of 16 April 1993 that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to Bosnian Serb paramilitary units,

*Taking into account* the report of the Secretary-General of 21 December 1992 on the possible deployment of observers on the borders of the Republic of Bosnia and Herzegovina,

*Expressing its condemnation* of all activities carried out in violation of resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993 between the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

*Considering* that, in order to facilitate the implementation of the relevant Security Council resolutions, observers should be deployed on the borders of the Republic of Bosnia and Herzegovina, as indicated in its resolution 787 (1992),

*Noting* the earlier preparedness of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to stop all but humanitarian supplies to the Bosnian Serb party, and urging full implementation of that commitment,

*Considering* that all appropriate measures should be undertaken to achieve a peaceful settlement of the conflict in Bosnia and Herzegovina provided for in the Vance-Owen peace plan,

*Bearing in mind* paragraph 4 (a) of its resolution 757 (1992) concerning the prevention by all States of imports into their territories of all commodities and products originating in or exported from the Federal Republic of Yugoslavia (Serbia and Montenegro) and paragraph



12 of its resolution 820 (1993) concerning import to, export from and transshipment through those areas of Bosnia and Herzegovina under the control of Bosnian Serb forces,

1. *Requests* the Secretary-General to submit to the Council as soon as possible a further report on options for the deployment of international observers to monitor effectively the implementation of the relevant Council resolutions, to be drawn from the United Nations and, if appropriate, from Member States acting nationally or through regional organizations and arrangements, on the borders of the Republic of Bosnia and Herzegovina, giving priority to the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) and taking into account developments since his report of 21 December 1992 as well as the differing circumstances affecting the various sectors of the borders and the need for appropriate coordination mechanisms;

2. *Invites* the Secretary-General to contact immediately Member States, nationally or through regional organizations or arrangements, to ensure the availability to him on a continuing basis of any relevant material derived from aerial surveillance and to report thereon to the Security Council;

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

Speaking after the vote, the representative of the United Kingdom noted that the resolution just adopted was an important element of the immediate steps that his Government believed needed to be taken straight way. The placing of border monitors, particularly on the border between Bosnia and the FRY was of considerable significance since it could bring home to the Bosnian Serbs the bankruptcy of their present policies and the need to reconsider their rejection of the Vance-Owen Peace Plan. The decision taken a month ago by the authorities of the FRY to limit to humanitarian supplies any traffic across the border between Bosnia and the FRY had been welcome but it was essential to put that policy to the test by deploying monitors along that border.<sup>110</sup>

The representative of France stated that the aim of the resolution just adopted was to show the intent of the Council to deploy the necessary observers for effective monitoring of the application of sanctions against the territories controlled by the Bosnian Serbs. By controlling the conditions for applications of the embargo against the territories

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<sup>110</sup> *Ibid.*, pp. 6-7.

controlled by the Serbs of Bosnia, Bosnian Serbs would be led to end their attacks and the practice of “ethnic cleansing”, and finally to start out along the road towards a peaceful settlement in the accordance with the provisions set out in the Vance-Owen Plan. He further stated that the reaction of the FRY, and in particular that of Serbia, to the resolution would be significant. If the authorities of these countries were to decide to reject the deployment of observers on their side of the frontier with Bosnia, the situation would become clear and the Council would then have to draw the necessary conclusions.<sup>111</sup>

The representative of Hungary stated that his delegation had voted in favour of the resolution just adopted, as it was convinced that all foreign interference in Bosnia and Herzegovina must cease immediately and that the neighbours of that country must respect its territorial integrity. It was clear that there could not be a settlement and lasting peace while such interference persisted. It was also clear that such a settlement would become possible only with the firm determination of the international community. Hungary attached particular importance to the fact that the resolution was in strict conformity with previous Council resolutions concerning the sanctions régime imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro). The speaker further stated that his delegation considered the resolution primarily as a declaration of intent that would have to be followed up as soon as possible by a report from the Secretary-General and a resolution on the deployment. In that context there were some important questions that would have to be clarified concerning the mandate, emplacement and other aspects of the observers’ activities.<sup>112</sup>

The representative of China reiterated China’s support for a political settlement of the conflict in Bosnia and Herzegovina, within the framework of the International Conference on the Former Yugoslavia. China hoped that the measures envisaged by the resolution just adopted would help to realize that objective, and based on that consideration it had voted in favour of the resolution. At the same time, China’s

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<sup>111</sup> *Ibid.*, pp. 7-8.

<sup>112</sup> *Ibid.*, pp. 8-10.

affirmative vote did not represent a change in its position *vis-à-vis* sanctions against the Federal Republic of Yugoslavia.<sup>113</sup>

**Decision** of 18 June 1993 (3241<sup>st</sup> meeting): resolution 844 (1993)

On 14 June 1993, pursuant to resolution 836 (1993), the Secretary-General submitted to the Council a report<sup>114</sup> containing an analysis of the modalities for implementation of that resolution. The analysis indicated that such implementation would require the deployment of additional troops on the ground as well as the provision of air support. While an additional troop requirement of approximately 34,000 would be necessary, it would be possible, however, to start implementing the resolution under a light option envisaging a troop reinforcement of around 7,600.<sup>115</sup> The Secretary-General noted that while that option could not completely guarantee the defence of safe areas, it relied on the threat of air action against any belligerents. He indicated in that regard that he had invited NATO to coordinate with him the use of air power in support of UNPROFOR. It was understood that the first decision to initiate the use of air power would be taken by him in consultation with the Security Council. The Secretary-General further noted that such option represented an initial approach and had limited objectives. It assumed the consent and cooperation of the parties and provided a basic level of deterrence. In conclusion, he recommended that the Council approve the arrangements outlined in his report. At the same time, he stressed the overwhelming importance of seeking a comprehensive political solution to the conflict, noting that a negotiated and equitable settlement would enable the international community to devote its resources to reconstruction and development rather than to successive expansions of the United Nations activities in the former Yugoslavia.

At its 3241<sup>st</sup> meeting, on 18 June 1993, the Council included the above report in its agenda. 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

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<sup>113</sup> *Ibid.*, pp. 11-12.

<sup>114</sup> S/25939 and Corr.1 and Add.1.

<sup>115</sup> For further details see para. 6 of the report of the Secretary-General of 14 June 1993 (S/25939)

right to vote. The President (Spain) then drew the attention of the Council members to the text of a draft resolution<sup>116</sup> submitted by France, the Russian Federation, Spain, the United Kingdom and the United States. He also referred to several other documents.<sup>117</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 844 (1993). The resolution reads as follows:

*The Security Council,*

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

*Having considered* the report of the Secretary-General of 14 and 17 June 1993 pursuant to paragraph 12 of resolution 836 (1993) concerning the safe areas in the Republic of Bosnia and Herzegovina,

*Reiterating once again its alarm* at the grave and intolerable situation in Bosnia and Herzegovina arising from serious violations of international humanitarian law,

*Recalling* the overwhelming importance of seeking a comprehensive political solution to the conflict in Bosnia and Herzegovina,

*Determined* to implement fully the provisions of resolution 836 (1993) of 4 June 1993,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General;
2. *Decides* to authorize the reinforcement of the United Nations Protection Force to meet the additional force requirements mentioned in paragraph 6 of the report of the Secretary-General as an initial approach;
3. *Requests* the Secretary-General to continue the consultations, *inter alia*, with the Governments of the Member States contributing forces to the Force, called for in resolution 836 (1993);
4. *Reaffirms its decision* in paragraph 10 of resolution 836 (1993) on the use of air power in and around the safe areas to support the Force in the performance of its mandate, and encourages Member States, acting nationally or through regional organizations or arrangements, to coordinate closely with the Secretary-General in this regard;

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<sup>116</sup> S/25966.

<sup>117</sup> S/25908, S/25909, S/25933, S/25943 and S/25959, letters dated 5, 6, 11, 13 and 16 June 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

5. *Calls upon* Member States to contribute forces, including logistic support and equipment, to facilitate the implementation of the provisions regarding the safe areas;
6. *Invites* the Secretary-General to report to the Council on a regular basis on the implementation of resolution 836 (1993) and the present resolution;
7. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of Hungary stated that his delegation's vote in favour of the resolution just adopted, reflected its conviction that resolution 836 (1993) establishing safe areas in Bosnia and Herzegovina must be implemented as quickly as possible. For Hungary, the only remaining question related to the specific modalities to do that and the modalities outlined in the resolution just adopted were not entirely what it had hoped for. They were acceptable only to the extent that under the present circumstances, the international community was neither in a position, nor was it inclined to do more. Hungary hoped that the measures proposed in the report of the Secretary-General would be taken as soon as possible and in such a way as to make possible progress towards a fair overall settlement of the Bosnian crisis.<sup>118</sup>

The representative of the United States stated that his delegation had voted in favour of the resolution just adopted as an intermediate step that did not foreclose options involving tougher measures. The United States continued to expect the full cooperation of the Bosnian Serb party in implementing the resolution. If that cooperation was not forthcoming, then the United States would seek further action in the Security Council to stop the violence.<sup>119</sup>

The representative of France said that, although the deployment of reinforcements was what might be called "the light option", it was nevertheless the only realistic option at that time, given the means available to UNPROFOR in the short term. France believed that those measures, coupled with the threat of air strikes, could deter attacks against the safe areas, in conformity with resolution 836 (1993).<sup>120</sup>

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<sup>118</sup> S/PV.3241, pp. 6-8.

<sup>119</sup> *Ibid.*, p. 8.

<sup>120</sup> *Ibid.*, pp. 8-10.

The representative of the Russian Federation noted that his delegation shared the Secretary-General's view that the implementation of the decision to set up safe areas, needed to be predicated upon the consent and cooperation of all the Bosnian parties. The Russian Federation called upon them to cooperate with UNPROFOR in implementing the Council's resolutions on the safe areas. The parties needed to realize that if they refused such cooperation, then new, tougher measures might be adopted.<sup>121</sup>

**Decision** of 29 June 1993 (3247<sup>th</sup> meeting): rejection of a draft resolution

At its 3247<sup>th</sup> meeting, on 29 June 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, the Comoros, Costa Rica, Croatia, Egypt, Estonia, Indonesia, the Islamic Republic of Iran, Jordan, Latvia, the Libyan Arab Jamahiriya, Malaysia, Senegal, Slovenia, the Syrian Arab Republic, Tunisia, Turkey, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council. The President (Spain) then drew the attention of the Council members to the text of a draft resolution<sup>122</sup> submitted by Cape Verde, Djibouti, Morocco, Pakistan and Venezuela, who were joined as sponsors by Afghanistan, Algeria, the Comoros, Egypt, Estonia, Latvia, Malaysia, Senegal, Syria and Turkey.<sup>123</sup>

Under the draft resolution, in its preambular part, the Council, *inter alia*, would have stressed that a solution to the conflict in Bosnia and Herzegovina must be based on the following principles: (a) immediate cessation of hostilities; (b) withdrawal from the territories occupied by forces and ethnic cleansing; (c) reversal of the consequences of the reprehensible policy of ethnic cleansing and recognition of the right of all Bosnian refugees to return to their homes; and (d) restoration of the territorial integrity and unity of the Republic of Bosnia and Herzegovina. In the operative part of the draft resolution,

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<sup>121</sup> *Ibid.*, p. 11.

<sup>122</sup> S/25997.

<sup>123</sup> During the 3247<sup>th</sup> meeting, the following also joined as sponsors of the draft resolution: Albania, Indonesia, Iran, Jordan, the Libyan Arab Jamahiriya, Tunisia and the United Arab Emirates (S/PV.3247, p. 113).

the Council would have reaffirmed the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina; and demanded that all hostilities within the territory of the Republic of Bosnia and Herzegovina be halted forthwith and the consequences of hostilities against the Republic of Bosnia and Herzegovina be reversed in accordance with the principles outlined above. It would have also decided to exempt the Government of the Republic of Bosnia and Herzegovina from the arms embargo imposed on former Yugoslavia by its resolution 713 (1991) with the sole purpose of enabling the Republic of Bosnia and Herzegovina to exercise its inherent right of self-defence.

At the meeting, the representative of Cape Verde contended that the failure of the Council to implement effectively the Charter collective security provisions in respect of the situation in Bosnia, would have a negative impact on the outcome of current and future conflicts. He cautioned that one of the most negative lessons that might be drawn from the Bosnian conflict was that countries might have to rely on their own capacity to defend themselves in future. For small nations, which were the majority of the Members of the Organization, and which could meet their security needs only by relying on respect for the principles and norms of international law and on the effective implementation of the decisions of the Security Council, especially its Chapter VII decisions, the Bosnian experience was very disturbing. For a long time, calls for United Nations action to defend the Bosnian civilian population had gone unheeded, whilst safe areas declared under Chapter VII continued to be jeopardized. In submitting the draft resolution, the caucus of non-aligned members of the Security Council was responding to a moral call aimed at enabling the victims of aggression and ethnic cleansing to exercise their inherent right of self-defence, as recognized in the Charter of the United Nations. If the United Nations did not have the political will to take prompt and effective action to stop the killing of Bosnian Muslim civilians, then it should at least allow them legitimately to defend themselves. Indeed, the draft resolution made it clear that the sole purpose of lifting the arms embargo against Bosnia and Herzegovina was to enable that Republic to defend itself from attacks.<sup>124</sup>

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<sup>124</sup> S/PV.3247, pp. 6-10.

The representative of Bosnia and Herzegovina contended that two questions were relevant in evaluating the merit of the draft resolution. First, had the Security Council compelled the necessary means to stop the aggression and genocide against Bosnia and Herzegovina? Second, if not, what were the measures that should be undertaken to stop the aggression and, particularly should the arms embargo against Bosnia and Herzegovina be declared invalid in accordance with the United Nations Charter's guarantee of the right of self-defence? Noting that Bosnia and Herzegovina had waited for over a year for "the most empowered members of the Council" to fulfil their commitment to confront the Serbians, the speaker pointed out that his country had sought to reassert its right to obtain the means of self-defence only after those members had failed to meet their commitment. The speaker further stated that the Bosnians must be provided with the leverage to undertake fair and promising negotiations or to confront the undiminished aggression.<sup>125</sup>

The representative of Pakistan argued that Bosnia and Herzegovina had been at a "grave disadvantage" in responding to aggression, not only because of the large and well-equipped Serb army and paramilitary units, but also because it had been prevented by the United Nations from acquiring the means for self-defence. He also contended that it had become clear that Serbian forces would not be deterred by the exhortations of the Council so long as it was not prepared to take enforcement measures, including the use of force under Chapter VII of the Charter. The speaker further stated that his country could not accept and legitimize the consequences of blatant acts of aggression against a State Member of the United Nations, nor could it accept the "disintegration" of a sovereign State. He warned that the consequences of accepting the situation in Bosnia and Herzegovina would be terrible not only for the people of Bosnia and Herzegovina but for the international community as a whole. It would encourage those who believed that force could be a viable instrument for territorial expansion and political domination, and it would erode the credibility of the Security Council as an instrument of peace and justice, not only in respect of Bosnia and Herzegovina, but also in relation to other conflicts and disputes. Furthermore, it would revive the global arms race, as all nations

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<sup>125</sup> *Ibid.*, pp. 9-17.



exposed to aggression and domination would seek to arm themselves against such threats. Referring to the draft resolution, the speaker stated that the most important provision was the one exempting Bosnia and Herzegovina from the arms embargo imposed against the former Yugoslavia by resolution 713 (1991). That measure had been proposed by a majority of the United Nations membership in General Assembly resolution 47/121 of 18 December 1992. It was also consistent with Article 51 of the Charter. The speaker concluded by stating that the options available to the Security Council were stark: either the international community, in accordance with the collective security system envisaged in the Charter, should take effective measures to defend Bosnia and Herzegovina, or it should remove the shackles preventing the victim from exercising its inherent right of self-defence.<sup>126</sup>

The representative of Croatia said that it was unfortunate that the Security Council had not endorsed, nor been prepared to enforce, the Vance-Owen plan. Although it was necessary for the international community to stop the tragedy taking place in Bosnia and Herzegovina, Croatia did not believe that providing more arms to Bosnian Muslims would accomplish that purpose. If the arms embargo were to be lifted, the Croatian Government could only support a general lifting for all the victims of Serbian aggression. A selective approach to the issue would only aggravate the ongoing situation.<sup>127</sup>

The representative of Morocco contended that the arms embargo, which the Council had adopted with a view to reducing violence and suffering, had unfortunately not had any effect on either the Serbs or the Croats. Rather, it had increased the military superiority of the Serbs. He argued that, as long as an imbalance existed, the Serbs would continue to impose conditions and refuse to compromise, as they had done with respect to the Vance-Owen plan. The legitimate Government of Bosnia and Herzegovina had suffered the most from the arms embargo. Authorizing the Bosnian Government to acquire the means to defend its civilian population would help deter the Serbs from pursuing policies of aggression and occupation. It was therefore essential to exempt it from the provisions of resolution 713 (1991). The speaker also argued that the lifting of the arms embargo should be accompanied by strengthened monitoring of the sanctions

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<sup>126</sup> *Ibid.*, pp. 17-26.

<sup>127</sup> *Ibid.*, pp. 33-37.

régime, in order to prevent the Bosnian Serbs from continuing to acquire additional weapons and territory.<sup>128</sup>

Mr. Djokic stated that the Government of the Federal Republic of Yugoslavia strongly opposed exempting one side from the arms embargo imposed by resolution 713 (1991). He warned that, should the draft resolution be adopted, the Security Council would, under the pretext of protecting the inherent right to self-defence, merely be contravening its past efforts to contain the crisis and find a lasting solution. He further argued that lifting the arms embargo and supplying arms to one side would invariably lead to an arms race between the warring parties in Bosnia and Herzegovina, with unforeseeable consequences. The Federal Republic of Yugoslavia, despite the unfair and inhumane sanctions imposed against it, would spare no effort to help prevent further bloodshed between the “three constituent nations” and to find a solution based on their legitimate interests and rights. Before concluding, the speaker contended that the draft resolution was one of war rather than of peace and he urged the Security Council, not to adopt it.<sup>129</sup>

The representative of Slovenia noted that although the Council had devoted much of its time to the conflict in Bosnia and Herzegovina the previous months, the resolutions adopted so far had not yielded the expected results and had in some cases avoided the crucial issues. He also stressed the following basic principles. First, the war in Bosnia and Herzegovina was neither a civil war, nor an ethnic conflict. It was a war of aggression perpetrated from outside Bosnia and Herzegovina, and it was a war for territory. Every State had the inherent right, in accordance with Article 51 of the United Nations Charter, to legitimate self-defence and that right should not be denied to Bosnia and Herzegovina. Second, genocide must be stopped, and deeds rather than words were necessary to do so. Third, the Security Council needed to find a way to preserve the existence of a United Nations Member State, or else the whole system of collective security would be put in

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<sup>128</sup> *Ibid.*, pp. 47-52.

<sup>129</sup> *Ibid.*, pp. 89-91.

jeopardy. Fourth, preservation of Bosnia and Herzegovina was a vital requirement for peace and political stability in south-eastern Europe and in Europe as a whole.<sup>130</sup>

The representative of Ukraine urged the Council to consider additional effective measures to protect United Nations peacekeepers in Bosnia and Herzegovina, and expressed concern at the possibility that hostilities would be intensified if the arms embargo were lifted in Bosnia and Herzegovina. It favoured strict compliance with the resolutions that had already been adopted by the Security Council. It suggested that an important step might be to put under effective United Nations control all heavy weapons at the disposal of the Bosnian Serbs. In its opinion, such a step would lower the level of military confrontation in the region and would remove from the agenda the question of lifting the arms embargo.<sup>131</sup>

During the debate, other speakers also referred to the inability of the Security Council to fulfil its responsibilities under Article 24 of the Charter and to enforce its resolutions adopted under Chapter VII. They reaffirmed the right of Bosnia and Herzegovina to self defence in accordance with Article 51 and urged the Council to lift the arms embargo against Bosnia and Herzegovina.<sup>132</sup>

Speaking before the vote, the representative of the United Kingdom regretted that a political settlement had not yet been achieved. But the United Nations could not simply impose a political solution. While acknowledging that the existing situation in Bosnia and Herzegovina was “deeply worrying”, the speaker stated that his Government nevertheless did not see a reason for adopting what it regarded as a “solution of despair”, which was how it viewed the proposal to lift the arms embargo. He contended that lifting the arms embargo would clearly result in an increase in fighting and would provide an “irresistible temptation” to the Bosnian Serbs and Bosnian Croats to intensify their military efforts and to ensure that, by the time any substantial delivery of weapons was made to the

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<sup>130</sup> *Ibid.*, pp. 108-110.

<sup>131</sup> *Ibid.*, pp. 111-113.

<sup>132</sup> *Ibid.*, Egypt, pp. 26-33; Malaysia, pp. 38-41; Jordan, pp. 41-47; Albania, pp. 52-54; Indonesia, pp. 54-59; Turkey, pp. 60-63; Iran, pp. 72-77; United Arab Emirates, pp. 77-83; Senegal, pp. 83-88; Algeria, pp.92-96; the Libyan Arab Jamahiriya, pp.96-102; Bangladesh, pp. 102-106; Costa Rica, pp. 106-108.

Bosnian Government, the military threat it posed to them had been neutralized. In addition to these drawbacks, the United Kingdom did not see how the United Nations current efforts in Bosnia and Herzegovina could be sustained following a decision to lift the arms embargo. The United Kingdom was of the view that the adoption of the draft resolution would be seen as a signal that the United Nations was turning its back on Bosnia and leaving its inhabitants to “fight it out, come what may”. It could not therefore support the draft. The speaker further stated that his delegation regretted that the issue of lifting the arms embargo, which was “so divisive”, was being pressed to a vote. The unity of the Council was an “absolute prerequisite” to achieving results in handling what was the “most complex and difficult” international issue in recent years. The United Kingdom believed that priority should be given to making the safe areas safer. In addition, the economic sanctions against Serbia and Montenegro should be sustained and strengthened. It was crucial that the Bosnian Serbs and the authorities in Belgrade understood that there would be no easing or lifting of the sanctions until the conditions set out in the Security Council’s resolutions, most recently in resolution 820 (1993), had been fulfilled. The United Kingdom also believed that the Council should do everything in its power to sustain and nourish the peace process.<sup>133</sup>

The representative of France stated that his Government did not believe that the draft resolution should be adopted for reasons of principle, timing and substance. He argued that the role of the United Nations and the Security Council was not to organize for war or to wage war. According to the Charter, its role was to contribute to the settlement of conflict by peaceful means. Deciding to lift the arms embargo selectively would mean, contrary to the principles of the Charter, setting out on the path of war rather than of peace. Moreover, lifting the arm embargo would put an end to the safe areas and could have dangerous consequences for the very existence of Bosnia and Herzegovina.<sup>134</sup>

The representative of the Russian Federation stated that his delegation could not accept the draft resolution. The position of principle of the Russian Federation on the crisis in Bosnia was that there should be a halt in hostilities and a peaceful settlement,

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<sup>133</sup> *Ibid.*, pp. 132-135.

<sup>134</sup> *Ibid.*, pp. 136-138.

which would satisfy all three sides within the context of the territorial integrity of Bosnia and Herzegovina. Lifting the arms embargo would not increase the chance of achieving such a settlement; on the contrary, it would open the “floodgates” for an escalation of the war, potentially leading to results completely contradictory to the goals proclaimed in the draft. It might actually neutralize the entire United Nations operation in Bosnia and Herzegovina. The Russian Federation continued to support the concept of safe areas and of building up an international presence in Bosnia and Herzegovina, as one way of making progress towards a peaceful settlement.<sup>135</sup>

The representative of Hungary stated that his delegation continued to endorse the principles set out in the draft resolution, including the cessation of hostilities, the withdrawal from territories occupied by force, reversal of the consequences of the policy of “ethnic cleansing”, and restoration of the territorial integrity of Bosnia. Furthermore, Hungary thought that it was “enormously important” to make a clear distinction between the aggressor and the victim of aggression. It was also intolerable that one of the parties to the conflict continued to be supplied with weapons from outside sources, while another party had no such ability. The point was to halt all supplies of weapons and ammunition to Bosnia and Herzegovina. To that end, international inspection facilities should be set up along all of the borders of Bosnia and Herzegovina, as had been indicated in resolution 838 (1993). The Serbs’ heavy weapons should be placed under effective control, as they were the weapons that were responsible for so much of the violence. The Security Council needed only to apply its own resolutions. The speaker further stated that the question before the Council was whether, in the existing circumstances, the actions envisaged in the draft resolution would promote a solution to the Bosnian problem. After carefully weighing the various arguments concerning the draft resolution, however, Hungary had concluded that lifting the arms embargo against Bosnia and Herzegovina would not necessarily have a positive impact on subsequent developments in that country and the vicinity. In Hungary’s opinion, lifting the arms embargo would be to admit the irreversible failure of efforts for a negotiated, political solution.<sup>136</sup>

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<sup>135</sup> *Ibid.*, pp. 138-142.

<sup>136</sup> *Ibid.*, pp. 143-147.

The draft resolution was then put to the vote and it received 6 votes to none, with 9 abstentions (Brazil, China, France, Hungary, Japan, New Zealand, the Russian Federation, Spain, and United Kingdom). The Council failed to adopt the draft resolution, as it had not obtained the required number of votes.

Speaking after the vote, the representative of the United States recalled that her Government had consistently advocated lifting the arms embargo on the Government of Bosnia and Herzegovina. By voting in favour of the draft resolution, the United States reaffirmed its belief that Bosnia and Herzegovina, as a sovereign State and Member of the United Nations, had a right to defend itself. The speaker warned that, although the Council had not acted on the arms embargo, it would be a grave mistake for the Bosnian Serbs to interpret that action as an endorsement of their intransigence or of their attempts to use military force to change international boundaries and destroy a neighbour. Nor should the vote be seen as an indication that the international community was willing to turn a blind eye to the gross violations of human rights committed in Bosnia, primarily by the Bosnian Serbs. The United States would continue to insist that, if the authorities in Belgrade wanted to rejoin the family of nations, they would have to stop the violence and comply with all relevant Security Council resolutions. Until that day, the Council would have no choice but to maintain the pressure. The goal remained a negotiated settlement freely agreed to by all the parties, and the United States continued to believe that exempting Bosnia and Herzegovina from the arms embargo was a means to that end.

The representative of China stated that his delegation held that the sovereignty, political independence and territorial integrity of all United Nations Member States should be fully respected by the international community. It therefore supported such elements in the draft. Based on China principled position, the Chinese delegation had abstained on the vote on the draft resolution.<sup>137</sup>

The representative of Brazil stated that his delegation had supported many of the elements in the draft resolution, including that there should be an immediate cessation of hostilities, a halt to the abhorrent practice of ethnic cleansing, and that the acquisition of territories by the use of force could not be tolerated. Notwithstanding those

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<sup>137</sup> *Ibid.*, pp. 150-151.

considerations, however, the Brazilian delegation had not been in a position to vote in favour of the draft resolution. Brazil continued to believe in the overwhelming importance of seeking a comprehensive political solution to the Bosnian conflict. It maintained that the international community needed to aim its actions and decisions at restraining and putting an end to the armed conflict and should avoid the risk that, as a consequence of its actions and decisions, war might escalate or expand. Furthermore, there appeared to be grounds to fear that some of the measures envisaged in the draft resolution, if they were to be implemented, might prompt drastic actions which would affect the very populations that the Security Council would be trying to protect. The international community should not give up on the hope of reaching a peaceful solution to the conflict.<sup>138</sup>

The representative of New Zealand noted that his delegation shared a deep sense of frustration about the situation in Bosnia and Herzegovina. It believed, however, that a durable solution to the situation in Bosnia and Herzegovina should come through intensified efforts towards a political settlement. New Zealand continued to support United Nations humanitarian efforts and Security Council measures, such as sanctions, designed to persuade the parties of the need to look for a political solution, but the action proposed in the draft resolution had been of quite a different nature. Lifting the arms embargo would, in New Zealand's view, immediately intensify the military pressure on the Bosnian forces, inevitably resulting in more civilian casualties and more refugees. It would also force an end to the United Nations humanitarian operations. The speaker cautioned that the Council's decision should not be misinterpreted as meaning that the Council had turned its back on the Bosnian people. On the contrary, the Council had established safe areas under resolution 836 (1993) and had decided to respond with force if those areas were threatened. It was necessary to address urgently the practical implementation of the safe areas.<sup>139</sup>

The President, speaking in his capacity as representative of Spain, stated that his delegation shared, in large measure, the motivations of the countries that had sponsored the draft resolution. It was Spain's view, however, that lifting the arms embargo would

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<sup>138</sup> *Ibid.*, pp. 151-153.

<sup>139</sup> *Ibid.*, pp. 153-155.

lead to an escalation of the violence and would only increase the suffering of the civilian population. Moreover, the measures proposed in the draft resolution would escalate the risk of an expansion of the conflict, with potentially serious consequences for the entire region. In addition, lifting the arms embargo would be incompatible with the maintenance of the presence of UNPROFOR and that therefore the humanitarian agencies would not be able to operate. Spain believed that the Council should not abandon its efforts to achieve the implementation of resolutions 836 (1993) and 844 (1993), on the safe areas. He noted that, if all else failed, Spain was prepared to consider recourse to more forceful measures, without prejudging or excluding consideration of any of them.<sup>140</sup>

**Decision** of 7 July 1993: letter from the President to the Secretary-General

On 1 July 1993, pursuant to resolution 838 (1993), the Secretary-General submitted to the Council a report<sup>141</sup> on options for the deployment of international observers on the borders of the Republic of Bosnia and Herzegovina. The Secretary-General noted that the relevant resolutions of the Security Council would require border monitors to address movements of regular and irregular military personnel, weapons and other military equipment and supplies, as well as goods subject to sanctions from neighbouring countries destined for Bosnia and Herzegovina or the United Nations Protected Areas (UNPAs) of Croatia. Two options were proposed, the first consisting of border monitoring and the second consisting of border control. Both options were based on the following assumptions: (a) border monitoring arrangements would require the full cooperation of all parties concerned; (b) border monitoring would include all international borders of Bosnia and Herzegovina, with priority given to those with the Federal Republic of Yugoslavia (Serbia and Montenegro); (c) given the nature of the terrain and the length of the borders, only major crossing points could be effectively monitored; and (d) where applicable, UNPROFOR would focus its monitoring activity on the work of the national border control agencies.

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<sup>140</sup> *Ibid.*, pp. 156-159.

<sup>141</sup> S/26018 and Corr. 1 and Add. 1.



The Secretary-General noted that option two would be unrealistic taking into account that the world-wide resources for additional peace-keeping troops were increasingly stretched. Option one, however, would also required substantial additional resources in terms of observers and equipment. He further noted that even if the necessary personnel and financial resources were available, the effectiveness of the first option would depend entirely on the cooperation of the neighbouring countries and of the parties concerned.

By a letter<sup>142</sup> dated 7 July 1993, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council have considered your report of 1 July 1993 on options for the deployment of international observers on the borders of the Republic of Bosnia and Herzegovina. They continue to believe that, in order to facilitate the implementation of the relevant Council resolutions, international observers should be deployed on the borders of Bosnia and Herzegovina, with priority being given to the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro).

“Bearing in mind the observations in your report, they invite you to contact Member States in order to establish whether they are ready, individually or through regional organizations or arrangements, to make qualified personnel available to act as observers along the borders of Bosnia and Herzegovina and to continue to explore all possibilities for implementation of the border monitors concept. They also invite you to pursue the question of implementation with a view to obtaining full cooperation from the authorities in the neighbouring countries.

“The members of the Council look forward to receiving further information on the contacts proposed in the previous paragraph, as well as reports pursuant to paragraph 2 of resolution 838 (1993) of 10 June 1993 concerning material derived from aerial surveillance.”

**Decision** of 22 July 1993 (3257<sup>th</sup> meeting): statement by the President

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<sup>142</sup> S/26049.

By a letter<sup>143</sup> dated 19 July 1993 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina transmitted a letter of the same date from the President of the Republic of Bosnia and Herzegovina in which he reported that Serbian forces had launched an offensive towards the Sarajevo safe zone, and that forces had been also directed to Mount Igman. He called upon the Council to intervene immediately to stop the aggression against Bosnia and Herzegovina.

At its 3257<sup>th</sup> meeting, on 22 July 1993, the Council included the letter from the representative of Bosnia and Herzegovina in its agenda. 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 (United Kingdom) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>144</sup> on behalf of the Council:

“The Security Council has noted with grave concern the letter of 19 July 1993 from the President of the Presidency of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council about the Bosnian Serb military offensive in the area of Mount Igman, close to Sarajevo, a city which has stood for centuries as an outstanding example of a multicultural, multi-ethnic and pluri-religious society, which needs to be protected and preserved.

“The Council renews its demand that all hostilities in Bosnia and Herzegovina cease and that the parties and others concerned refrain from any hostile acts. It supports the call from the Co-Chairmen of the International Conference on the Former Yugoslavia in this regard, designed to facilitate the peace talks.

“The Council reaffirms its resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, in the first of which it declared Sarajevo a safe area that should be free from armed attacks and any hostile acts, and from which Bosnian Serb military or para-military units should be withdrawn to a distance wherefrom they cease to constitute a menace to its security and that of its inhabitants. It condemns the offensive by the Bosnian Serbs on Mount Igman aimed at further isolating Sarajevo and escalating the recent unprecedented and unacceptable pressures on the Government and people of the Republic of Bosnia and

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<sup>143</sup> S/26107.

<sup>144</sup> S/26134.

Herzegovina before the forthcoming talks in Geneva. It demands an immediate end to this offensive and to all attacks on Sarajevo. It also demands an immediate end to all violations of international humanitarian law. It demands an end to the disruption of public utilities (including water, electricity, fuel and communications) by the Bosnian Serb party and to the blocking of, and interference with, the delivery of humanitarian relief by both the Bosnian Serb and the Bosnian Croat parties.

“The Council calls on the parties to meet in Geneva under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia. It calls on the parties to negotiate in earnest with the aim of achieving a just and equitable settlement on the basis of the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the principles agreed at the International Conference on the Former Yugoslavia in London on 26 August 1992 and supported by the Council in its statement of 2 September 1992. In particular it reaffirms the unacceptability of ethnic cleansing, or the acquisition of territory by the use of force, or any dissolution of the Republic of Bosnia and Herzegovina.

“The Council emphasizes that it will keep open all options, none of which is prejudged or excluded from consideration.”

**Decision** of 24 August 1993 (3269<sup>th</sup> meeting): resolution 859 (1993)

At its 3269<sup>th</sup> meeting, on 24 August 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (United States) then drew the attention of the Council members to letters<sup>145</sup> dated 3, 6, 20 and 23 August 1993 from the Secretary-General addressed to the President of the Security Council, conveying the reports dated 2, 5 and 20 August 1993 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, as well as to the text of a draft resolution<sup>146</sup> prepared in the course of the Council’s prior consultations and a number of other documents.<sup>147</sup>

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<sup>145</sup> S/25233, S/26260, S/26337 and S/26337 Add.1, respectively.

<sup>146</sup> S/26182.

<sup>147</sup> S/26227, S/26232, S/26244, S/26245, S/26256, S/26309, S/26340 and S/26342, letters dated 2, 3, 4, 5, 6,

At the meeting, the representative of Bosnia and Herzegovina stated that the last time he had spoken before the Council, his country had been told that its right to obtain defensive weapons and fully exercise self-defence would pose a threat to United Nations forces and prolong the war. Now it was being suggested that the reemphasis of the principles of the United Nations Charter, international law, Security Council resolutions, decisions of the International Court of Justice and the London Conference on the former Yugoslavia would somehow undermine the chances for a negotiated settlement. He urged the Security Council to adhere to its resolutions and commitments, warning that failure to do so would be “catastrophic”, not only for the people of Bosnia and Herzegovina, but also for the people of the world, who deserved and commanded the very ideals upon which the Council had been established. Turning to the draft resolution he stated that it was timely, in that it was being adopted prior to the resumption of the Geneva process to find a just and durable peace. Bosnia and Herzegovina hoped that the members of the Security Council would remain committed to the application of the draft resolution’s principles and that they would ensure that the Co-Chairmen of the ICTY would promote those principles in Geneva.<sup>148</sup>

Speaking before the vote, the representative of Pakistan noted that the non-aligned members of the Security Council had originally submitted the draft resolution with a view to achieving two fundamental objectives: first, to ensure a complete cease-fire and cessation of all hostilities throughout Bosnia and Herzegovina, which was an essential prerequisite for a just and equitable political solution to the conflict through peaceful negotiations; and second, to set out a framework of principles which should constitute the fundamental basis for peace and a politically negotiated settlement of the crisis. Despite the unanimous view that the tragedy in Bosnia and Herzegovina was caused by flagrant violations of international law and the principles enshrined in the United Nations Charter, the political will to end it appeared to be deficient. The draft resolution came at a crucial time, and Pakistan therefore hoped that its successful adoption would help to create the

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16 and 23 August 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/26257 and S/26266, letters dated 6 August 1993 from the Chargé d’affaires a.i. of Morocco addressed to the President of the Security Council; and S/26281, letter dated 9 August 1993 from the Chargé d’affaires of Croatia addressed to the Secretary-General.

<sup>148</sup> S/PV.3269, pp. 7-15.

conditions necessary for transparent and free negotiations among the parties concerned.<sup>149</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 859 (1993). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the conflict in the Republic of Bosnia and Herzegovina,

*Reaffirming* the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

*Reaffirming also* that Bosnia and Herzegovina, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

*Noting* that Bosnia and Herzegovina has continued to be subject to armed hostilities in contravention of Security Council resolution 713 (1991) of 25 September 1991 and other relevant Council resolutions and that, despite all efforts by the United Nations as well as regional organizations and arrangements, there is still no compliance with all relevant Council resolutions, in particular by the Bosnian Serb party,

*Condemning once again* all war crimes and other violations of international humanitarian law, by whomsoever committed, Bosnian Serbs or other individuals,

*Deeply concerned* at the deterioration of humanitarian conditions in Bosnia and Herzegovina, including in and around Mostar, and determined to support in every possible way the efforts by the United Nations Protection Force and the United Nations High Commissioner for Refugees to continue providing humanitarian assistance to civilian populations in need,

*Concerned* about the continuing siege of Sarajevo, Mostar and other threatened cities,

*Strongly condemning* the disruption of public utilities (including water, electricity, fuel and communications), in particular by the Bosnian Serb party, and calling upon all parties concerned to cooperate in restoring them,

*Recalling* the principles for a political solution adopted by the London International Conference on the Former Yugoslavia,

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<sup>149</sup> *Ibid.*, pp. 22-23.

*Reaffirming once again* the unacceptability of the acquisition of territory through the use of force and the practice of “ethnic cleansing”,

*Stressing* that an end to the hostilities in Bosnia and Herzegovina is necessary to achieve meaningful progress in the peace process,

*Mindful* of its primary responsibility under the Charter for the maintenance of international peace and security,

*Taking into account* the reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia contained in documents S/26233, S/26260 and S/26337,

*Determining* that the grave situation in Bosnia and Herzegovina continues to be a threat to international peace and security,

*Acting* under Chapter VII of the Charter,

1. *Notes with appreciation* the report by the Special Representative of the Secretary-General on the latest developments at the Geneva peace talks, and urges the parties, in cooperation with the Co-Chairmen, to conclude as soon as possible a just and comprehensive political settlement freely agreed by all of them;

2. *Calls* for an immediate cease-fire and cessation of hostilities throughout the Republic of Bosnia and Herzegovina as essential for achieving a just and equitable political solution to the conflict in Bosnia and Herzegovina through peaceful negotiations;

3. *Demands* that all concerned facilitate the unhindered flow of humanitarian assistance, including the provision of food, water, electricity, fuel and communications, in particular to the safe areas in Bosnia and Herzegovina;

4. *Demands also* that the safety and operational effectiveness of personnel of the United Nations Protection Force and of the Office of the United Nations High Commissioner for Refugees in Bosnia and Herzegovina be fully respected by all parties at all times;

5. *Takes notes with appreciation* of the letter of the Secretary-General dated 18 August 1993 stating that the United Nations has now the initial operational capability for the use of air power in support of the Force in Bosnia and Herzegovina;

6. *Affirms* that a solution to the conflict in Bosnia and Herzegovina must be in conformity with the Charter of the United Nations and the principles of international law, and also affirms the continuing relevance in this context of:

(a) The sovereignty, territorial integrity and political independence of Bosnia and Herzegovina;

(b) The fact that neither a change in the name of the State nor changes regarding the internal organization of the State such as those contained in the constitutional agreement annexed to the Co-Chairmen's report in document S/26337 would affect the continued membership of Bosnia and Herzegovina in the United Nations;

(c) The principles adopted by the London International Conference on the Former Yugoslavia, including the need for a cessation of hostilities, the principle of a negotiated solution freely arrived at, the unacceptability of the acquisition of territory by force or by "ethnic cleansing" and the right of refugees and others who have suffered losses to compensation in accordance with the statement on Bosnia adopted by the London Conference;

(d) Recognition and respect for the right of all displaced persons to return to their homes in safety and honour;

(e) The maintenance of Sarajevo, capital of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and pluri-religious centre;

7. *Recalls* the principle of individual responsibility for the perpetration of war crimes and other violations of international humanitarian law and its decision in resolution 827 (1993) of 25 May 1993 to establish an international tribunal;

8. *Declares its readiness* to consider taking the necessary measures to assist the parties in the effective implementation of a fair and equitable settlement once it has been freely agreed by the parties, which would require a decision by the Council;

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

Speaking after the vote, the representative of France contended that the terms for a comprehensive settlement as defined after the most recent negotiations certainly did not represent an ideal solution. However, they had the merit of preserving what was essential: the continued existence of Bosnia and Herzegovina through a union of three member Republics; a territorial base for each of the three communities, but above all for the most sorely tried community, the Bosnian Muslims, economically viable areas; and finally the maintenance of Sarajevo as the united capital of that entity. Another essential element, the continued membership of Bosnia and Herzegovina in the United Nations, was presently assured by the Council. Therefore, in his Government view, such an accord, if scrupulously adhered to, would be a realistic solution, permitting the foundation of a lasting agreement. His delegation welcomed the fact that the Council had stressed its

readiness to take immediately the necessary measures to implement a political solution. The speaker noted that such action clearly benefited the party who was in a situation of weakness. A massive United Nations presence in Bosnia was the best guarantee of the rights of the weakest.<sup>150</sup>

The representative of New Zealand noted that for the past months the Council had been seriously divided on how to respond to the increasingly tragic situation in Bosnia. That division, and the consequent inaction, had put at risk not only the interests of Bosnia but also the longer-term credibility of the United Nations system and the Council's role in collective security. His delegation was pleased that the Council had finally rose to the challenge. The small and the vulnerable must be able to depend on the collective security mechanism of the United Nations, and that meant that the Council must be willing to act when it was seized of an issue. The speaker further stated that the resolution just adopted underlined the importance the Council attached to backing up UNPROFOR with force, and it emphasized the support that the Secretary-General enjoyed on that issue. The resolution also addressed three other matters that his delegation believed to be essential for any fair and freely accepted settlement: first, the continuity of the Bosnian State; secondly, the special status of Sarajevo as a unified capital; and, thirdly, the reiteration of the general principles under which the negotiations had proceeded. On the question of the implementation of the settlement, his delegation was very pleased that the resolution looked forward to the role that the Council would have to play once a settlement was concluded.<sup>151</sup>

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution just adopted on the basis of its firm conviction that all steps taken by the Security Council on the issue of a Bosnian settlement must be aimed solely at assisting the negotiations in Geneva, which provided a "unique opportunity" to halt the bloodshed and lead to a political settlement. It was the Russian Federation's fundamental

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<sup>150</sup> *Ibid.*, pp. 26-27.

<sup>151</sup> *Ibid.*, pp. 33-36.



position that the international community, through the Security Council, must give clear signals promoting peacemaking and not actions likely to impede the negotiating process. The speaker contended that there remained “unbalanced and biased elements” in the resolution concerning one of the parties to the conflict, thus incorrectly reflecting the state of affairs existing in Bosnia and Herzegovina. Moreover, in connection with paragraph 5, The Russian Federation unequivocally believed in the need for the Secretary-General to hold consultations with members of the Security Council before adopting a decision on air support for UNPROFOR. He warned that there should be no “automatic response” on that important question. The Russian Federation also emphasized that such air power could only be used in support of UNPROFOR, as provided in resolution 836 (1993). In conclusion, the speaker stated that, in the view of his delegation, the Security Council must not only promote the speedy achievement of an agreement on Bosnia and Herzegovina, but it should also specify its own role as a guarantor of the agreement’s implementation. Immediately after the signing of the Geneva package, the Security Council should therefore adopt a supporting resolution, providing not only for active, positive steps to implement the agreements, but also for stricter measures concerning those who violated them.<sup>152</sup>

The President, speaking in her capacity as representative of the United States, stated that the resolution just adopted, fairly and properly urged the parties to reach a just and comprehensive political settlement as soon as possible. The resolution did not take a stand on the points that the parties had taken to their constituencies from the Geneva negotiations. The decision had to remain with the parties. It was also necessary to keep in mind that signing a political settlement was only the first step towards a return to normalcy. The United States would continue to support efforts to reach a solution, consistent with Security Council resolutions, to the problem of the United Nations protected areas in Croatia. Similarly, the parties must cooperate with the international war crimes tribunal. The speaker reiterated her Government’s belief that signing a political

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<sup>152</sup> *Ibid.*, pp. 47-50.

agreement was not enough; a willingness effectively to implement what they had signed would be the real test of any of the parties' good will.<sup>153</sup>

**Decision** of 14 September 1993 (3276<sup>th</sup> meeting): statement by the President

At its 3276<sup>th</sup> meeting, on 14 September 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Venezuela) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>154</sup> on behalf of the Council:

“The Security Council expresses its profound concern over recent reports that Bosnian Croats have been holding Bosnian Muslims in detention camps under deplorable conditions. The Council recalls the international revulsion and condemnation that accompanied revelations last year of the conditions under which Bosnian Muslims and Bosnian Croats were being held in Bosnian Serb detention camps.

“The Council reiterates the principle that the International Committee of the Red Cross (ICRC) must be given access to all detainees in Bosnia wherever they may be held. It notes that the ICRC has recently been given access to some detainees, but recalls with condemnation the obstacles which the Bosnian Croats have previously placed in the way of the ICRC's attempts to gain access to the camps in order to ascertain the conditions of the detained. It also notes the recent appeal addressed by the President of Croatia to the Bosnian Croats.

“The Council emphasizes the fact that inhumane treatment and abuses in detention centres violate international humanitarian law. Moreover, as the Council has previously recalled, persons who commit or order the commission of grave breaches of the Geneva Conventions of 12 August 1949 are individually responsible in respect of such breaches.

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<sup>153</sup> *Ibid.*, pp. 58-59.

<sup>154</sup> S/26437.

“The Council calls upon the Bosnian Croats to supply immediately to the ICRC complete information on all camps where Bosnian Muslim and other prisoners are being held, and to assure the ICRC and all other legitimately concerned international bodies free and unhindered access to the detained, wherever they may be held.

“The Council believes that the Government of Croatia has a responsibility to use its influence with the Bosnian Croats to secure compliance with this statement and calls on the Government of Croatia to take immediate steps to that end.

“The Council further reaffirms that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions, and reminds them of its willingness to consider appropriate actions if any of them should fail to abide scrupulously by their obligations.

“The Council decides to remain seized of the matter.”

**Decision of 28 October 1993: statement by the President**

On 28 October 1993, after consultations with the members of the Council, the President made the following statement<sup>155</sup> on behalf of the members of the Council:

“The members of the Security Council have heard an initial oral report by the Secretariat concerning the massacre of the civilian population in the village of Stupni Do on 23 October 1993 by troops of the Croatian Defence Council (HVO). They also heard accounts of attacks against the United Nations Protection Force (UNPROFOR) by armed persons bearing uniforms of the Bosnian Government forces, and of an attack to which an humanitarian convoy under the protection of UNPROFOR was subjected on 25 October 1993 in central Bosnia.

“The members of the Council unreservedly condemn these acts of violence. They express their profound concern about the preliminary information to the effect that regular and organized armed forces were probably involved. They have requested the Secretary-General to submit as soon as possible a complete report on the responsibility for these acts. The members of the Council are prepared to draw all the relevant conclusions from this report, which will also be transmitted to the Commission of Experts established by resolution 780 (1992).

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<sup>155</sup> S/26661.

“The members of the Council reiterate their demand that all the parties in the former Yugoslavia comply with their obligations under international humanitarian law, and that those responsible for such violations of international humanitarian law should be held accountable in accordance with the relevant Council resolutions. The members of the Council call upon all the parties in the former Yugoslavia to guarantee the unimpeded access of humanitarian assistance and the security of the personnel responsible for it.”

**Decisions** of 9 November 1993 (3308<sup>th</sup> meeting): statements by the President

At its 3308<sup>th</sup> meeting, on 9 November 1993, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Cape Verde) drew the attention of the members of the Council to several documents<sup>156</sup> and stated that, after consultations among members of the Security Council, he had been authorized to make the following two statements<sup>157</sup> on behalf of the Council:

“The Security Council expresses its deep concern at the reports on the deterioration of the situation in central Bosnia where increased military activities are seriously threatening security of the civilian population.

“The Council demands that all parties and others concerned refrain from taking any action that threatens the safety and well-being of the civilian population.

“The Council is equally concerned at the overall humanitarian situation prevailing in the Republic of Bosnia and Herzegovina. It reiterates its demand to all parties and others concerned to guarantee unimpeded access for humanitarian assistance.

“The Council, aware of the heavy burden that these developments add to the existing precarious humanitarian situation of the refugees and displaced persons in Bosnia and Herzegovina and in the surrounding countries, calls on all parties to assist the competent

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<sup>156</sup> S/26690 and S/26715, letters dated 3 and 9 November 1993 from the Chargé d'affaires a.i. of Croatia addressed to the President of the Security Council; S/26692, letter dated 8 November 1993 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

<sup>157</sup> S/26716.

United Nations agencies and other humanitarian organizations in their efforts to provide relief to the affected civilian population in those countries.

“The Council urges all parties and others concerned to exert the utmost restraint and refrain from taking any action which might exacerbate the situation.”

The text of the second statement<sup>158</sup> reads as follow:

“The Security Council is profoundly shocked to learn of the incident which took place on 8 November 1993 in which two persons were taken hostage by the Bosnian Serb forces, while members of a delegation headed by Monsignor Vinko Puljic, the Archbishop of Sarajevo, travelling to the city of Vares on a mission of peace under the protection of the United Nations Protection Force (UNPROFOR).

“The Council strongly condemns this outrageous act, which is a flagrant challenge to the authority and inviolability of UNPROFOR.

“The Council notes that, despite the prompt and commendable intervention of the Special Representative of the Secretary-General, neither of the hostages has been released, and it demands that the Bosnian Serb forces proceed immediately to release them. The Council reminds the perpetrators of this act that they are obligated to ensure that no harm comes to the individuals being held and that those responsible for violations of international humanitarian law will be held personally accountable for their actions.

“The Council requests the Secretary-General to undertake a thorough investigation of the incident and to report to the Council without delay. It urges all parties and others concerned to refrain from taking any action which might further exacerbate the situation.

“The Council condemns all attacks and hostile acts against UNPROFOR by all parties in the Republic of Bosnia and Herzegovina, as well as in the Republic of Croatia, which have become more frequent over the last weeks, and demands that they cease forthwith.”

**Decision** of 7 January 1994 (3327<sup>th</sup> meeting): statement by the President

At its 3327<sup>th</sup> meeting, on 7 January 1994, the Council resumed its consideration of the situation in Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to

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<sup>158</sup> S/26717.

participate in the discussion without the right to vote. The President (Czech Republic) drew the attention of the members of the Council to a letter<sup>159</sup> dated 6 January 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting the text of a letter of the same date from the President of the Presidency of Bosnia and Herzegovina addressed to the President of the Security Council. The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>160</sup> on behalf of the Council:

"The Security Council expresses its deep concern at the continuing widespread hostilities in the Republic of Bosnia and Herzegovina. It deplores the failure of the parties to honour the agreements they have already signed, in the context of the International Conference on the Former Yugoslavia, to implement a cease-fire and to permit the delivery of humanitarian assistance. It condemns the flagrant violations of international humanitarian law which have occurred, for which it holds the perpetrators personally responsible.

"The Council condemns any hostilities in the United Nations-designated safe areas, especially in the Sarajevo area. In particular, it strongly condemns the continuing military pressure on and the relentless bombardment by Bosnian Serb forces of the capital city, Sarajevo. It demands the immediate end to attacks against Sarajevo, which have resulted in a high number of civilian casualties, seriously disrupted essential services and aggravated an already severe humanitarian situation. In this regard, the Council once again reaffirms its commitment to implement fully all its relevant resolutions, in particular resolution 836 (1993) of 4 June 1993.

"The Council strongly deplores the abhorrent practice of deliberate obstruction of humanitarian relief convoys by any party and reiterates its demand that there be unimpeded access of humanitarian relief assistance to their intended destinations. The Council further demands that all parties fully abide by their commitments in this regard and facilitate timely delivery of humanitarian aid.

"The Council also condemns recent attacks against the personnel of the United Nations Protection Force as well as of the Office of the United Nations High Commissioner for

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<sup>159</sup> S/1994/15.

<sup>160</sup> S/PRST/1994/1.

Refugees and other humanitarian organizations. It reiterates the demand that all parties ensure the safety and security of the Force, as well as all other United Nations personnel and those of non-governmental organizations, and their unimpeded access throughout the Republic of Bosnia and Herzegovina.

"The Council calls on all the parties to cease hostilities throughout the Republic of Bosnia and Herzegovina and to honour the commitments they have entered into. It calls upon them to negotiate in earnest in the framework of the International Conference on the Former Yugoslavia to achieve an early settlement.

"The Council remains seized of the matter and is ready to consider further measures to ensure that all parties and others concerned abide by their commitments and fully respect relevant Council resolutions."

**Decision** of 3 February 1994 (3333<sup>rd</sup> meeting): statement by the President

By a letter<sup>161</sup> dated 28 January 1994 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina transmitted a letter of the same date from the Prime Minister of Bosnia and Herzegovina addressed to the Security Council, in which he requested an emergency meeting of the Council pursuant to a military intervention of the armed forces of Croatia against Bosnia and Herzegovina. He further requested the Security Council to condemn firmly Croatia's military activities and to take all the necessary measures in accordance with Chapter VII of the United Nations Charter and all of the relevant General Assembly and Security Council resolutions.

At its 3333<sup>rd</sup> meeting, held on 3 February 1994 in response to the request contained in the above letter, the Council included the letter of the representative of Bosnia in its agenda. Following the adoption of the agenda, the President (Djibouti) drew the attention of the members of the Council to several documents<sup>162</sup> and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>163</sup> on behalf of the Council:

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<sup>161</sup> S/1994/95.

<sup>162</sup> S/1994/109, letter dated 1 February 1994 from the Secretary-General addressed to the President of the Security Council; S/1994/101 and S/1994/110, letters dated 30 January and 2 February 1994, respectively, from the representative of Croatia addressed to the President of the Security Council.

<sup>163</sup> S/PRST/1994/6.

"The Security Council is deeply concerned that the Republic of Croatia has deployed elements of the Croatian Army along with heavy military equipment in the central and southern parts of the Republic of Bosnia and Herzegovina, as described in the letter from the Secretary-General dated 1 February 1994.

"The Council strongly condemns the Republic of Croatia for this serious hostile act against a State Member of the United Nations, which constitutes a violation of international law, the Charter of the United Nations and relevant Council resolutions, in particular resolution 752 (1992) of 15 May 1992, in which the Council demanded an immediate end to all forms of interference and full respect for the territorial integrity of the Republic of Bosnia and Herzegovina.

"The Council demands that the Republic of Croatia withdraw forthwith all elements of the Croatian Army along with military equipment and fully respect the territorial integrity of the Republic of Bosnia and Herzegovina.

"The Council once again reaffirms the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina and the unacceptability of the acquisition of territory by force or ethnic cleansing, and condemns such acquisition, as well as the practice of ethnic cleansing, by whomsoever committed.

"The Council requests the Secretary-General to monitor the situation closely and report to the Council within two weeks from the date of the present statement on progress towards the complete and full withdrawal of all elements of the Croatian Army, as well as military equipment, from the Republic of Bosnia and Herzegovina.

"The Council will consider other serious measures if the Republic of Croatia fails to put an immediate end to all forms of interference in the Republic of Bosnia and Herzegovina.

"The Council reiterates its presidential statement of 7 January 1994, in which it expressed its deep concern at the continuing widespread hostilities in the Republic of Bosnia and Herzegovina. The Council calls once more on all the parties to cease hostilities throughout the Republic of Bosnia and Herzegovina and to honour the commitments they have entered into and refrain from actions which escalate or widen the conflict. It calls upon them to negotiate in earnest in the framework of the International Conference on the Former Yugoslavia to achieve an early settlement.

"The Council will remain seized of the matter."



**Consideration of the item** at the 3336<sup>th</sup> meeting (14-15 February 1994)

By a letter<sup>164</sup> dated 5 February 1994 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina transmitted a letter from the Prime Minister of Bosnia and Herzegovina in which he reported that Serbian gunners had shelled a market in Sarajevo, killing 66 civilians and wounding 197 civilians. The Prime Minister requested an emergency meeting of the Security Council to determine why the existing mandate given by the Council under resolution 836 (1993) to “deter attacks against the safe area” had not been utilized to confront those who had committed these acts.

By a letter<sup>165</sup> dated 8 February 1994 addressed to the President of the Security Council, the representative of Pakistan requested, on behalf of the Organization of the Islamic Conference Contact Group<sup>166</sup> on Bosnia and Herzegovina, that an urgent meeting of the Council be convened, to consider the extremely grave situation in Sarajevo.

By a letter<sup>167</sup> dated 10 February 1994 addressed to the President of the Security Council, the representative of the Russian Federation transmitted a statement dated 10 February 1994 by the Ministry of Foreign Affairs of the Russian Federation containing a request for an urgent meeting of the Security Council to consider practical ways to demilitarize Sarajevo and introduce a United Nations administration

At its 3336<sup>th</sup> meeting, held on 14 and 15 February 1994 in response to the requests contained in the above letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Austria, Azerbaijan, Bangladesh, Belgium, Bosnia and Herzegovina, Brunei Darussalam, Canada, Colombia, Croatia, Denmark, Egypt, Estonia, Finland, Germany, Greece, Indonesia, the Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kuwait, Lithuania, Luxembourg, Malaysia, Morocco, the Netherlands, Norway, Portugal, Saudi Arabia, Senegal, Slovenia, the Sudan, Sweden, Tunisia, Turkey, Ukraine and the United Arab Emirates, at their request, to participate in the discussion without the

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<sup>164</sup> S/1994/124.

<sup>165</sup> S/1994/135.

<sup>166</sup> Egypt, Iran, Malaysia, Pakistan, Saudi Arabia, Senegal and Turkey.

<sup>167</sup> S/1994/152.

right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item. The Council further extended an invitation to Mr. Mohammed Peyrovi, Deputy Permanent Observer of the OIC and to Mr. Ahmet Engin Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations, under rule 39 of the provisional rules of procedure.

The President (Djibouti) then drew the attention of the Council members to several documents.<sup>168</sup>

At the meeting, the representative of Bosnia and Herzegovina welcomed NATO's ultimatum to the Serbian forces besieging Sarajevo and commended the Secretary-General for initiating the use of air strikes to deter further attacks. He observed in that regard, that resolutions 824 (1993) and 836 (1993) did not require any further action or consultation by the Security Council, if the terms of those resolutions and ultimatum were not met by the Serbians. The conditions of resolutions 824 (1993) and 836 (1993) and the withdrawal of Serbian forces and their weapons should be executed fully and in a timely manner. The speaker added that the Secretary-General and NATO had been delegated

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<sup>168</sup> S/1994/124, letter dated 5 February 1994 from the Prime Minister of Bosnia and Herzegovina addressed to the President of the Council, transmitted by a letter of the same date from the Deputy Permanent Representative of Bosnia and Herzegovina addressed to the President of the Council; S/1994/135, letter dated 8 February 1994 from the Permanent Representative of Pakistan addressed, on behalf of the members of the OIC Contact Group on Bosnia and Herzegovina, to the President of the Council; S/1994/152, letter dated 10 February 1994 from the Permanent Representative of the Russian Federation addressed to the President of the Council; S/1994/123, 134 and 142, letters dated 4, 8 and 9 February 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/126, letter dated 7 February 1994 from the representative of Turkey addressed to the President of the Security Council; S/1994/127, letter dated 6 February 1994 from the Chargé d'affaires a.i. of Yugoslavia addressed to the Secretary-General; S/1994/129, letter dated 7 February 1994 from the representative of Slovenia addressed to the Secretary-General; S/1994/136, letter dated 8 February 1994 from the representative of Pakistan addressed to the Secretary-General; S/1994/137, letter dated 7 February 1994 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council; S/1994/138, letter dated 7 February 1994 from the representative of the Russian Federation addressed to the Secretary-General; S/1994/139, letter dated 8 February 1994 from the representative of Egypt addressed to the President of the Security Council; S/1994/143, letter dated 9 February 1994 from the representative of the Sudan addressed to the President of the Security Council; S/1994/144, letter dated 9 February 1994 from the Chargé d'affaires a.i. of Azerbaijan addressed to the Secretary-General; S/1994/145, letter dated 7 February 1994 from the representative of Algeria addressed to the Secretary-General; S/1994/146, letter dated 9 February 1994 from the representative of Malaysia addressed to the President of the Security Council; S/1994/148, *note verbale* dated 5 February 1994 from the representative of Tunisia addressed to the Secretary-General; S/1994/153, letter dated 10 February 1994 from the representative of Lithuania addressed to the Secretary-General; S/1994/158, letter dated 10 February 1994 from the representative of Israel addressed to the Secretary-General; S/1994/166, letter dated 11 February 1994 from the Chargé d'affaires a.i. of Yugoslavia addressed to the Secretary-General; S/1994/173, letter dated 14 February 1994 from the Secretary-General addressed to the President of the Council, transmitting the report of the Co-Chairmen of the Steering Committee of the ICFY.

that responsibility, and the international community and Member States expected that those delegated obligations and commitments would be carried out without equivocation. Noting that the plight of Sarajevo was “only the tip of the iceberg” of the suffering of the Bosnian people, the speaker stressed that, if peace were to be secured and the credibility of the negotiating process established, the international community must implement resolutions 824 (1993) and 836 (1993) in the other five safe areas and take the necessary measures to secure the safety of Bosnians throughout the country. He contended that the Council’s commitment to ensure full and timely compliance with resolutions 824 (1993) and 836 (1993) around Sarajevo, and to extend that commitment to the other safe areas and the remainder of the country would be critical in determining the necessity for Bosnia and Herzegovina to exercise its full rights under Article 51. He added that although his delegation was prepared to consider United Nations demilitarization and administration of Sarajevo as part of a final and overall peace plan, such premature attempts could only delay the taking of the necessary steps and deviate from the desired conclusion. In conclusion, Bosnia and Herzegovina would support any efforts to broaden the involvement of the Security Council and Member States in the peace process, and in that context it backed the relocation of talks to New York.<sup>169</sup>

The representative of France stated that the only purpose of recent decisions of States members of NATO was to make available to the United Nations the means to implement Security Council decisions, and thus to improve the chances for peace. In that perspective, the top priority was to lift the siege of Sarajevo, to begin the demilitarization of the city, by giving UNPROFOR control of heavy weapons, and to place the city under provisional United Nations administration as contemplated in the European Union plan. He contended that the NATO decisions fell “squarely” within the framework of resolutions 824 (1993) and 836 (1993). There was thus no need for the decisions of the NATO Council to be submitted to the Security Council for any further decision. Moreover, the French Government believed that the Secretary-General had been acting within his authority and in accordance with Security Council resolutions when he had

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<sup>169</sup> S/PV.3336, pp. 7-13.

contacted NATO. The French Government also took note of the desire of the Russian Federation that the Security Council consider steps to raise the siege of Sarajevo, and to place the city under United Nations administration. While it shared that objective, it believed that such a consideration should in no way call into question the decisions of the NATO Council, which should be implemented fully.<sup>170</sup>

The representative of the United States stated that her Government believed that the conflict should be resolved at the negotiating table, not on the battlefield. She argued, however, that diplomacy must be backed by a willingness to use force, when essential, in the cause of peace, for it was only “force plus diplomacy” that could stop the “slaughter” in Sarajevo and break the “stalemate” in Geneva. Referring to the decisions taken by the NATO Council, she stated that those steps were consistent with resolutions adopted by the Council, and did not require further Council action. She recalled in that regard that the decision to initiate air strikes lay in the hands of the Secretary-General and that it had been the Council that had placed it there. Acknowledging that neither NATO nor the Security Council should impose a settlement upon the parties, as such a settlement would not be lasting, the speaker stated that by seeking to reduce the level of violence around Sarajevo, it was hoped that the negotiating process would be reinvigorated. She also noted that, for the first time, a regional security organization, NATO, had acted to implement a decision of the Council to use force under Chapter VII of the United Nations Charter. Cooperation between NATO and the United Nations would be essential, not only for the citizens of Sarajevo and the other safe areas in Bosnia, but also for the precedent it would set for the future of collective security.<sup>171</sup>

The representative of Pakistan recalled that his country had consistently urged the international community to act decisively in order to halt and reverse aggression against the Bosnian Government. Pakistan had advocated resolute action, including the use of force, and in particular air strikes, to enforce and implement the mandatory decisions of the Council. Regrettably, despite the fact that most of the Council resolutions on Bosnia

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<sup>170</sup> *Ibid.*, pp. 14-18.

<sup>171</sup> *Ibid.*, pp. 18-21.

and Herzegovina were adopted under Chapter VII, they remained by and large unimplemented. His delegation believed that only the decisive use of force, through the use of “surgical, punitive air strikes”, would make the Serbs conform to Security Council resolutions. It further considered that the requisite legal framework for such action existed in Security Council resolutions, and in particular in resolution 836 (1993). The speaker also reiterated the view that the arms embargo against Bosnia and Herzegovina was “selective” and “contrary” to Article 51 of the Charter, arguing that it had prevented the victim of aggression from exercising its legitimate right of self-defence. He observed that the need to allow the Bosnian Government to defend itself had become all the more urgent given recent reports of the presence of regular troops of the Serbian and Croatian armies in Bosnia and Herzegovina. His delegation was awaiting with “keen interest” a report by the Secretary-General on the full withdrawal of Croatian army troops and military equipment from Bosnia and Herzegovina. If Croatia failed to comply with the demands of the Council than stringent sanctions should be imposed against that country. In conclusion, his delegation shared the view that the peace negotiations should be moved to New York, so that they would be under the “direct supervision” of the Security Council.<sup>172</sup>

The representative of the Russian Federation stated that the proposal to convene an immediate meeting of the Council to consider practical ways to demilitarize Sarajevo and introduce United Nations control had been put forward by his country, in view of the need for the international community to take the most decisive action to put an end to the escalating violence in Bosnia and Herzegovina. His delegation welcomed the agreement between the Bosnian Serbs and the Government of Bosnia and Herzegovina on a cease-fire and on action towards ensuring that all sides either placed their heavy weapons in the Sarajevo area under UNPROFOR control or withdrew them from the area. Such steps would constitute major progress towards settling the conflict. The speaker noted, however, that as past cease-fires and agreements between the parties had often broken down, it was of great importance that the Security Council “back up” its demands with a

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<sup>172</sup> *Ibid.*, pp. 36-41.

strong decision supporting the Secretary-General's request to NATO, encouraging positive progress in Sarajevo, and supporting the prompt conclusion of an agreement on: an effective cease-fire in and around Sarajevo; the withdrawal or placing under United Nations control of heavy weapons; and ensuring strict compliance with the security régime in the Sarajevo area, including protection for UNPROFOR personnel, in accordance with Security Council decisions.<sup>173</sup>

The representative of China believed that the fundamental solution to the conflict in Bosnia and Herzegovina would come in the form of a political settlement, which depended on the parties themselves. Recalling that China had always advocated the peaceful settlement of conflict through dialogue and negotiation, he noted that his delegation was opposed to the use or threat of force. He contended that the peace process was at a crucial juncture and further military actions would not help achieve a political settlement. Rather, such actions would entail negative consequences. His delegation's understanding with regard to the use of air power in Bosnia and Herzegovina was that such actions should be limited to self-defence by UNPROFOR. The speaker also expressed his country anxiety at the possible serious consequences of air strikes for the safety of UNPROFOR and humanitarian personnel. It was therefore necessary to act prudently and refrain from taking hasty action.<sup>174</sup>

The representative of Germany welcomed the decision by the NATO Council, noting that the decisions taken by the NATO Council and the Council of Europe were part of the political process towards a negotiated settlement. Only when a political solution proved impossible was the use of force permitted to achieve the aims set out in Security Council resolutions 824 (1993) and 836 (1993). The decision of the NATO Council was aimed at demilitarizing Sarajevo and placing it under United Nations administration, through negotiations and in agreement with the European Union's Action Plan. Germany had always supported the Bosnian Muslims in the search for a solution which secured the physical and political survival of the Muslims as a nation in their home

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<sup>173</sup> *Ibid.*, pp. 41-44.

<sup>174</sup> S/PV.3336 (Resumption 1), pp. 68-70.

State of Bosnia and Herzegovina. That implied a satisfactory territorial solution, including access to the Sava River and to the sea. The speaker also argued that the city of Mostar should be placed under the administration of the European Union and noted that Germany had offered to provide an administrator for that city.<sup>175</sup>

The representative of Malaysia stated that his Government had always maintained that firmness of authority and commitment were necessary to make the Serbs respond positively or comply. It would appeal to the United States and other members of NATO that the recourse to credible threat of force should not apply only to Sarajevo. His Government further opposed the idea of a United Nations administration in Sarajevo, contending that Sarajevo was the political capital, symbol and heart of Bosnia and Herzegovina's resistance against genocide and aggression. It was also of the view that the efforts so far had not taken fully into account the serious implications of the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. That raised the question again of whether the Council arms embargo on Bosnia and Herzegovina remained valid in the presence of evidence that maintaining the embargo favoured or contributed to the commission of genocide. In such circumstances, resolution 713 (1991) could not apply to Bosnia and Herzegovina, thus making the lifting of the arms embargo against Bosnia and Herzegovina the most pressing issue before the Council. The speaker also noted that his Government had always maintained that the central authority and responsibility for bringing about a comprehensive and honourable peace in Bosnia and Herzegovina lay with the Security Council and not with the efforts in Geneva, which Malaysia contended had deviated from the relevant Security Council resolutions. Malaysia therefore felt that it was time for the negotiations to be held directly under the auspices of the Council, in New York.<sup>176</sup>

The representative of Croatia believed that NATO's decision to relieve the siege of Sarajevo was mandated by the Council's existing resolutions. What was needed in Bosnia and Herzegovina was a carefully balanced policy of a credible threat of force and

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<sup>175</sup> *Ibid.*, pp. 76-79.

<sup>176</sup> *Ibid.*, pp. 79-85.

straight forward support for the peace plans. Croatia had always advocated a peaceful, political settlement of the conflict. It had accepted the Vance plan for Croatia and it was now advocating the European Union Action Plan for Croatia and for Bosnia. Furthermore, it was the view of the Croatian Government that the Council should also give its unequivocal support to that plan. Stressing that the recent joint statement made by the Foreign Minister of Croatia and the Prime Minister of Bosnia and Herzegovina was a further step towards peace, the speaker noted that the statement had, *inter alia*, requested international control of the borders of Bosnia and Herzegovina, in accordance with Security Council resolutions 787 (1992) and 838 (1993), and that it had called for a cease-fire agreement between the Bosnian Croat army and the Bosnian Muslim army within seven days.<sup>177</sup>

The representative of Egypt stated that the Council must take the following measures. First, it should implement previous resolutions such as those concerning a cease-fire and the use of international force, including air strikes. Secondly, it should exempt Bosnia and Herzegovina from the arms embargo, so that the Government of Bosnia and Herzegovina could ensure its self-defence under Article 51 of the Charter. Thirdly, it was necessary to ensure that any settlement was peaceful and just. In that regard, the speaker stressed that the Council must exercise its prerogatives in order to bring about a peaceful resolution. The Council, in that regard, should examine existing settlement plans to ensure that they were in accordance with the United Nations Charter, norms of international law and Council resolutions. It must also directly oversee the negotiations, because it was the body which determined the mandate of the Secretary-General's Special Representative. He stressed that the Special Representative must in no circumstances deviate from the mandate given to him by the Council. He must also return to the Council and report to it and he must not make any amendments to the settlement plan contrary to Council's resolutions without its prior authorization. The speaker noted that it was time to change the mandate of the negotiations in Geneva, as well as the team charged with those negotiations. Neighbouring States, States which had contributed to

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<sup>177</sup> *Ibid.*, pp. 85-90.



United Nations forces in Bosnia and Herzegovina, and States members of the Islamic contact group dealing with Bosnia and Herzegovina should be included in the negotiations.<sup>178</sup>

The representative of Slovenia noted that many lessons could be drawn from the efforts made so far for peace in Bosnia and Herzegovina. The most important lesson was that diplomacy could not produce good results without realistic and well-informed analysis. Another major lesson was that diplomacy without strength was fruitless when confronted with the forces of aggression. Noting that the efforts for peace had been evolving for two years, he stressed the need to develop an imaginative framework for these efforts. In that context, the speaker recalled that his Government had recently formulated a four-point appeal containing the core elements of a framework to resolve the situation. First, heavy weapons should be withdrawn from the vicinity of Sarajevo and other areas with a high concentration of civilians. Second, there should be unimpeded delivery of humanitarian assistance to the civilian population. Third, private property should be restored and places of worship safeguarded. Fourth, territories seized by force and “ethnic cleansing” should be returned without delay.<sup>179</sup>

Mr. Djokic stated that his country strongly opposed NATO’s decision to use air strikes. That decision was politically and militarily unwise and could have serious consequences on the ground. He further argued that it did not fall within the purview of the relevant resolutions of the Security Council authorizing air strikes and that any attempt to carry out air strikes on the basis of that decision would represent a direct involvement in the civil war, on one side. He also contended that while the Muslim side had rejected all peace projects, the Serbian Serbs had proved their readiness to accept a viable compromise by offering numerous concessions. Yugoslavia expected that, in the light of that situation, the international community would make it clear to the Muslim side that it only stood to lose if it persisted with the war option. Instead, some influential countries were ready to use force, thus jeopardizing the results of the negotiations

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<sup>178</sup> *Ibid.*, pp. 95-101.

<sup>179</sup> S/PV.3336 (Resumption 2), pp. 141-145.

reached so far. The speaker concluded by stating that peace could not be achieved in Bosnia and Herzegovina through “one-sided accusations” or “irrational demands” for the lifting of the arms embargo for one of the sides, nor through the escalation of military activities. The only possible solution was a political one.<sup>180</sup>

While considering the NATO decision as another important element of international efforts aimed at resolving the Yugoslav crisis that under certain circumstances could bring about positive results, the representative of Ukraine warned that that decision could have negative consequences, such as bringing about new suffering, jeopardizing the delivery of international humanitarian aid, and placing UNPROFOR personnel at risk of retaliatory strikes by the Serb forces. His delegation, however, did not rule out the possibility of using all necessary means, including force, to address deliberate hostile acts against areas of deployment of United Nations contingents, where there was no other option to stop the killing of innocent people. Such a course of action should be undertaken only in the event of a clearly expressed decision by the international community, namely the Security Council, and not as a result of a decision by an individual State. The seriousness of the matter required that all relevant procedures be employed, in accordance with the United Nations Charter, in order to reaffirm previous Council resolutions regarding the complex situation in Bosnia and Herzegovina. Ukraine shared the view that a viable solution to the crisis might include a cease-fire, placing heavy weapons under UNPROFOR control, the withdrawal of Serb units from Sarajevo, and the takeover of their positions by UNPROFOR. The demilitarization of Sarajevo and the introduction of United Nations administrative control in the city would stop the “senseless bloodshed” and serve as a starting-point for the achievement of lasting peace. Before concluding, the speaker stated that the time had come to address the question of the effectiveness of the economic sanctions against the Federal Republic of Yugoslavia in the context of an overall settlement, with the aim of mitigating the adverse

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<sup>180</sup> *Ibid.*, pp. 194-199.

consequences of the sanctions régime on the economies of third countries, in accordance with Article 50 of the United Nations Charter.<sup>181</sup>

The representative of Greece noted that his Government had expressed reservations with regard to the advisability and the repercussions of eventual air strikes, and the ensuing escalation of the conflict in Bosnia and Herzegovina. The ultimate goal was the restoration of peace in former Yugoslavia, and the consequences of such air strikes ought to be evaluated very carefully. Greece was one of the countries that were closest to the crisis area and as such, all its initiatives were geared towards the exhaustion of all possible means, rather than the resort to force. It could not become involved in military activities and no other country in the region should.<sup>182</sup>

Mr. Ansay recalled that an extraordinary Ministerial Meeting of the OIC Contact Group on Bosnia and Herzegovina, held in Geneva on 17 January 1994, had stressed that, in order to have any success and legitimacy, the peace process must ensure the following: the independence, territorial integrity and sovereignty of Bosnia and Herzegovina; a geographically and economically viable and defensible territory for Bosnia and Herzegovina; the return of all lands seized by force and “ethnic cleansing”; the retention by Bosnia and Herzegovina of access to the Sava river and the Adriatic Sea; the retention of Sarajevo as the undivided capital of Bosnia and Herzegovina; the return of refugees and displaced persons to their homes; and international guarantees for the implementation of a peace agreement and guarantees for future security. The OIC Ministers had also called for the reopening of the Tuzla airport, as well as the lifting of the siege against Sarajevo. The speaker noted that the OIC saw the decision of the NATO Council as “a step in the right direction”, but that it believed that the international community should also pay attention to the security of the civilian population in all “safe areas”, and that it supported the concept of declaring the city of Mostar a “safe area”. The OIC also believed that the International Tribunal should start functioning without further delay. Reiterating the OIC’s full support for the right of Bosnia and Herzegovina to defend itself under Article 51 of the Charter, the speaker called for the lifting of the arms embargo against Bosnia and Herzegovina. Referring to reports of the presence of regular troops of

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<sup>181</sup> *Ibid.*, pp. 199-203.

<sup>182</sup> *Ibid.*, pp. 223-226 (resumption 3).

the Serbian and Croatian armies in Bosnia and Herzegovina, the speaker noted that the OIC was awaiting with keen interest the report by the Secretary-General regarding the full withdrawal of Croatian army elements from Bosnia. If the Croats failed to comply with the Council's demand on that score, then stringent economic sanctions should be imposed on Croatia immediately.<sup>183</sup>

Most of the speakers<sup>184</sup> in the debate supported the use of air strikes by NATO to deter further attacks against Sarajevo by Bosnian Serbs, and shared the view that the decisions taken by NATO were consistent with resolutions 824 (1993) and 836 (1993) and did not require further approval by the Security Council. A number of them, however, stressed that the use of force should always be an instrument of last resort.<sup>185</sup> Others advocated the extension of use of force to the other five safe areas.<sup>186</sup>

Some speakers supported the proposal to place Sarajevo under temporary United Nations administration.<sup>187</sup>

Several speakers reiterated that Bosnia and Herzegovina should be allowed to exercise its right of self-defence and demanded that the Council lift the arms embargo against the Bosnian Government.<sup>188</sup>

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<sup>183</sup> *Ibid.*, pp. 237-242.

<sup>184</sup> *Ibid.*, Spain, pp.25-32; United Kingdom, pp. 22-25; New Zealand, pp. 44-49; Nigeria, pp. 49-54; Argentina, pp. 54-59; Oman, pp. 60-63; Czech Republic, pp. 64-67; S/PV. 3336 (Resumption 1): Rwanda, pp. 71-73 ; Djibouti, pp. 73-76; Austria, pp. 90-92; Norway, pp. 93-95; Afghanistan, pp. 102-106; Turkey, pp. 107-111; Sweden, pp. 112-116; Italy, pp. 116-120; Iran, pp.120-124; Indonesia, pp. 129-133; Netherlands, pp. 133-136; Canada, pp. 136-139; Japan, pp.139-140; S/PV.3336 (Resumption 2): Algeria, pp. 146-148; Jordan, pp. 148-156; Tunisia, pp. 157-163; Albania, pp. 164-167; Senegal, pp. 167-174; Colombia, pp. 174-177; Finland, pp.178-179; Belgium, pp. 179-181; Saudi Arabia, pp. 181-187; Sudan, pp. 187-190; Ireland, pp. 190-193; Portugal, pp. 204-207; Luxembourg, pp. 207-210; Denmark, pp. 210-211; S/PV. 3336 (Resumption 3): Morocco, pp. 213-216; Bangladesh, pp. 216-219; United Arab Emirates, pp. 219-223; Kuwait, pp. 226-231; Estonia, pp. 232-235; Brunei Darussalam, pp. 235-236; Lithuania, pp. 242-244.

<sup>185</sup> S/PV. 3336: New Zealand, pp. 44-49; Austria, pp. 90-92; Sweden, pp. 112-116; S/PV. 3336 (Resumption 2): Finland, pp. 178-179.

<sup>186</sup> S/PV. 3336: Djibouti, pp.73-76; Iran, pp. 120-124; S/PV. 3336 (Resumption 2): Tunisia, pp. 157-163; Senegal, pp. 167-174; Saudi Arabia, pp. 181-187; S/PV. 3336 (Resumption 3): Morocco, pp. 213-216; Bangladesh, pp.216-219; United Arab Emirates, pp. 219-223; Kuwait, pp. 226-231.

<sup>187</sup> S/PV. 3336: Argentina, pp. 54-59; S/PV. 3336 (Resumption 2): Portugal, pp. 204-207.

<sup>188</sup> S/PV.3336: Nigeria, pp. 49-54; Oman, pp. 60-63; S/PV.3336 (Resumption 1): Rwanda, pp. 71-73; Afghanistan, pp. 102-106; Turkey, pp. 107-111; Iran, pp. 120-124; Azerbaijan pp. 124-129; Indonesia, pp. 129-133;

A number of speakers called for the perpetrators of war crimes and crimes against humanity committed on the territory of Bosnia and Herzegovina to be brought before the International Tribunal on ex-Yugoslavia.<sup>189</sup>

Some speakers endorsed the proposal that the peace talks be relocated to New York, in the proximity of the Security Council.<sup>190</sup>

**Decision** of 25 February 1994: letter from the President to the Secretary-General

On 10 February 1994, pursuant to the statement<sup>191</sup> by the President dated 28 October 1993, the Secretary-General submitted to the Council a report<sup>192</sup> on the massacre of the civilian population in Stupni Do, on 23 October 1993. The Secretary-General reported on the findings of the investigation carried out by UNPROFOR military police. Twenty-three victims so far had been clearly identified, with a further thirteen villagers unaccounted for and presumed dead. The main suspects for the crimes appeared to be extremist elements of the Croatian Defence Council (HVO). Investigations were continuing in order to gather as much evidence as possible, with a view to identifying the perpetrators for eventual trial before the International Tribunal.

By a letter<sup>193</sup> dated 25 February 1994, the President of the Security Council informed the Secretary-General as follows:

"The members of the Security Council are grateful for your report of 10 February 1994 on the massacre of the civilian population in Stupni Do, Bosnia and Herzegovina.

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S/PV.3336 (Resumption 2): Algeria, pp. 146-148; Jordan, pp. 148-156; Tunisia, pp. 157-153; Albania, pp. 164-167; Saudi Arabia, pp. 181-187; Sudan, pp. 187-190; S/PV.3336 (Resumption 3): United Arab Emirates, pp.219-223; Kuwait, pp. 226-231; Estonia, pp. 232-235.

<sup>189</sup> S/PV.3336: Turkey, pp. 107-111; Azerbaijan, pp. 124-129; S/PV.3336 (Resumption 2): Jordan, pp. 148-156; S/PV.3336 (Resumption 3): United Arab Emirates, pp. 219-223; Kuwait, pp. 226-231.

<sup>190</sup> S/PV. 3336 (Resumption 2): Tunisia, pp. 157-163; S/PV. 3336 (Resumption 3): Kuwait, pp. 226-231.

<sup>191</sup> S/26661.

<sup>192</sup> S/1994/154.

<sup>193</sup> S/1994/217.

"The members of the Council are greatly disturbed by the findings of the investigation contained in your report and thus request you to transmit the report, as well as all information at the disposal of the Secretariat that may reveal serious violations of international humanitarian law committed in the territory of the Former Yugoslavia, to the Prosecutor of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

"The members of the Council welcome the fact that investigations are continuing in order to gain as much evidence as possible and would be grateful if they could be kept informed of the progress of the investigations."

**Decision** of 4 March 1994 (3344<sup>th</sup> meeting): resolution 900 (1994)

At its 3344<sup>th</sup> meeting, on 4 March 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (France) then drew the attention of the Council members to the text of a draft resolution<sup>194</sup> submitted by France, the Russian Federation, Spain, the United Kingdom and the United States, and to several other documents.<sup>195</sup>

At the meeting, the representative of Bosnia and Herzegovina noted that three recent developments had created a sense of optimism. First, the NATO ultimatum to the Bosnian Serbs had resulted in the cessation of the shelling of Sarajevo. Second, NATO planes had recently confronted Serbian planes violating the no-fly zone over the airspace of Bosnia and Herzegovina. Third, there had been an agreement between Croatia, Bosnia and Herzegovina and Bosnian Croat elements establishing a confederation between Croatia and Bosnia and Herzegovina, as well as a federation within Bosnia and Herzegovina. The speaker felt that the draft resolution before the Council should aim for

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<sup>194</sup> S/1994/224.

<sup>195</sup> S/1994/216, letter dated 24 February 1994 from the representative of Croatia addressed to the President of the Security Council; S/1994/221, letter dated 24 February 1994 from the representative of Indonesia addressed to the Secretary-General; S/1994/249, letter dated 3 March 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; and S/1994/255, letter dated 3 March 1994 from the representatives of Bosnia and Herzegovina and Croatia addressed to the Secretary-General.

the full implementation of resolutions 824 (1993) and 836 (1993) in regard to Sarajevo, thus resulting in the full withdrawal of Serb forces, the full lifting of the road blocks and the restoration of essential services to the city and its population. He stressed that unless the draft resolution was correctly implemented, Sarajevo would remain under siege. While the Government of Bosnia and Herzegovina welcomed the assistance of all Governments in trying to bring peace, it would not feel bound by agreements reached between forces occupying Bosnia and Herzegovina and members of the Security Council, unless such agreements were consistent with the status of Bosnia and Herzegovina as a Member of the United Nations and with its sovereignty and territorial integrity.<sup>196</sup>

Speaking before the vote, the representative of Pakistan, while welcoming the progress that had resulted from the NATO ultimatum, expressed concern over the fact that the Bosnian Serbs were persisting with the siege of Sarajevo and were refusing to remove all their heavy weaponry from certain locations around the city. He warned that the international community should not become complacent, nor relent in its resolve to secure the safety and security of the civilian population in all designated “safe areas” and other threatened towns and cities in Bosnia and Herzegovina. Turning to the draft resolution, the speaker noted that the draft resolution reflected the determination of the international community to secure the end of the siege of Sarajevo, including the restoration of essential services and a return to normal life, in accordance with the objectives set by the Council in resolution 824 (1993). It, however, could have been reinforced by a reference to the threat of air strikes, in the event that the aggressors were to resume bombardment of Sarajevo or to redeploy heavy weapons in the exclusion zone. The speaker further noted that with the adoption of the draft resolution, the Council would be setting in motion a process which could lead to the effective lifting of the siege of Sarajevo. It should also lead to a mechanism to secure the protection of other safe areas and threatened towns such as Maglaj, Mostar and Vitez.<sup>197</sup>

The representative of the Czech Republic stated that the draft resolution before the Council was directed at capitalizing on the Sarajevo success. Several warning points,

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<sup>196</sup> S/PV.3344, pp. 2-4.

<sup>197</sup> *Ibid.*, pp. 4-5.

however, had to be made in that context. First, the Security Council had declared as safe areas not just Sarajevo, nor the three cities mentioned in the preamble of the draft resolution, but six cities, including Zepa, Gorazde and Bihac. It was necessary to pay heed to seeing that earlier commitments made by the Council were met as well. Secondly, UNPROFOR was already stretched thin and it was important that its size be commensurate to the tasks it was given by the Council. Thirdly, while the draft welcomed the significant developments that had taken place in negotiations between Bosnia and Herzegovina, Croatia and the Bosnian Croats, there still remained the “vexing” question of the involvement of Croatian troops - the Hrvatsko Vijece Obrane - in Bosnia and Herzegovina. Those troops must leave, as the Council had demanded in its presidential statement of the previous month.<sup>198</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 900 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina,

*Taking note* of the positive developments in and around Sarajevo, which constitute only a first step towards the restoration of peace and security throughout the Republic of Bosnia and Herzegovina on the basis of a negotiated settlement between the parties, recalling the measures taken in and around Sarajevo under resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993, and welcoming the agreement between the Government of the Republic of Bosnia and Herzegovina and the Special Representative of the Secretary-General for the Former Yugoslavia and between the Bosnian Serb party and the Special Representative of the Secretary-General on the cease-fire and measures related to heavy weapons in and around Sarajevo, reached on 9 February 1994,

*Emphasizing* the crucial importance of achieving complete freedom of movement for the civilian population and humanitarian goods and of the restoration of normal life in Sarajevo,

*Determined* to restore essential public services in Sarajevo,

*Welcoming*, as part of the international effort to restore normal life to the city, the intention of the Governments of the United Kingdom of Great Britain and Northern Ireland

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<sup>198</sup> *Ibid.*, pp. 6-7.



and the United States of America, announced on 2 March 1994, to send immediately a joint civil mission to Sarajevo to assess the requirements for the restoration of essential public services, within the United Nations framework,

*Reaffirming* in this context the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Reiterating* the importance of maintaining Sarajevo, capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre,

*Welcoming* the goal of achieving the prompt rotation of United Nations Protection Force personnel in Srebrenica and the early reopening of the Tuzla airport,

*Mindful* of the serious discussions which have taken place on the issue of Sarajevo, as part of an overall settlement, at the negotiations in the context of the International Conference on the Former Yugoslavia,

*Deeply concerned* by the deteriorating situation in Maglaj,

*Deeply concerned also* by the situation of the civilian population in other parts of the territory of the Republic of Bosnia and Herzegovina, including in and around Mostar and Vitez,

*Welcoming* in this context the recent significant developments in peace negotiations between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and with the Government of the Republic of Croatia, as steps towards an overall political settlement, as well as negotiations involving the Bosnian Serb party,

*Bearing in mind* the importance of facilitating the return of refugees and displaced persons to their homes,

*Stressing* the importance it attaches to full compliance with international humanitarian law in all its aspects in the Republic of Bosnia and Herzegovina,

*Recalling* the provisions of its resolution 824 (1993) concerning safe areas, determining that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, and in this context acting under Chapter VII of the Charter of the United Nations,

1. *Calls* for all parties to cooperate with the United Nations Protection Force in the consolidation of the cease-fire in and around Sarajevo;

2. *Calls upon* all parties, with the assistance of the United Nations, to achieve complete freedom of movement for the civilian population and humanitarian goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement, and to help restore normal life to the city;

3. *Requests* the Secretary-General to appoint, as a matter of urgency, for a limited period, a senior civilian official, who will act under the authority of the Special Representative of the Secretary-General for the Former Yugoslavia, to draw up an overall assessment and plan of action, in conjunction with the Government of the Republic of Bosnia and Herzegovina and also in consultation with all relevant local authorities, for the restoration of essential public services in the various *opstine* of Sarajevo, other than the city of Pale; this official will be empowered to assist the Government of the Republic of Bosnia and Herzegovina and, in close coordination with all relevant local authorities and the local representatives of the United Nations, to work to implement the plan;

4. *Invites* the Secretary-General to establish a voluntary trust fund, to be disbursed within the framework set out in paragraph 3 above, for the restoration of essential public services in Sarajevo to promote a return to normal life in the city, and encourages States and other donors to contribute thereto;

5. *Requests* the Secretary-General to present within one week of the adoption of the present resolution a report on ways and means for, including the estimated cost of, the implementation of the objectives set forth above;

6. *Calls upon* States and other donors to assist the Secretary-General, in particular by contributing personnel and equipment, in the implementation of the relevant Security Council resolutions concerning Bosnia and Herzegovina;

7. *Further requests* the Secretary-General to report within ten days of the adoption of the present resolution on the feasibility and modalities for the application of the protection, defined in resolutions 824 (1993) and 836 (1993), to Maglaj, Mostar and Vitez, taking into account all developments both on the ground and in the negotiations between the parties;

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

Speaking after the vote, the representative of China noted that the main purpose of the resolution just adopted was to improve the humanitarian situation in Sarajevo and to restore essential services. On the basis of humanitarian considerations, the Chinese delegation had voted in favour. Reiterating the Chinese position that conflicts should be settled by peaceful means, the speaker expressed his delegation's reservations on the resolution's invocation of Chapter VII of the Charter. China also maintained that the establishment of safe areas in Bosnia and Herzegovina was only a temporary measure and not a fundamental solution. When considering additional safe areas, it would be

necessary to conduct a serious review of whether the expected results had been achieved in the safe areas already established and whether, in existing circumstances, UNPROFOR possessed sufficient human and financial resources to perform additional tasks.<sup>199</sup>

The President, speaking in his capacity as representative of France, noted that the Council had adopted the resolution under Chapter VII of the Charter, as the other resolutions on Bosnia had been since August 1992. In the existing context, not to have resorted to Chapter VII would have been “the worst of signals”. Beyond that, the application of Chapter VII, which did not imply an automatic resort to force, would give UNPROFOR the authority necessary to surmount obstacles that might complicate the execution of its mandate.<sup>200</sup>

**Decision** of 14 March 1994 (3349<sup>th</sup> meeting): statement by the President

On 11 March 1994, pursuant to resolution 900 (1994), the Secretary-General submitted to the Council a report<sup>201</sup> on the feasibility of extending the safe area concept to the cities of Maglaj, Mostar and Vitez. The report also provided an outline of the major concepts and requirements of UNPROFOR. The Secretary-General noted that the utility of extending the concept of safe areas to Mostar and Vitez must be considered in the larger context of the overall situation on the ground. Had the conflict still been in progress, the prospect of deterring attacks might have warranted such a step. With the cease-fire signed on 23 February between Bosnia and Croatia, new priorities commended themselves. UNPROFOR did not believe there was, at that point, a need to apply the protection defined in resolutions 824 (1993) and 836 (1993) to Mostar and Vitez. It, however, believed that there might be merit, in extending the safe area concept to Maglaj, in view of the continuing hostilities there. At the same time, it was clear that UNPROFOR would not be able to provide the protection concerned with its present resources. The Secretary-General observed in that regard that should the Council decide

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<sup>199</sup> *Ibid.*, p. 11.

<sup>200</sup> *Ibid.*, pp. 14-15.

<sup>201</sup> S/1994/291.

to declare Maglaj a safe area, an additional 1,500 troops would be required. In addition, implementation of resolution 900 (1994) would require an increase of the authorized strength of UNPROFOR by a total of 8,250 troops. He therefore recommended that the Council authorize such an increase in order to enable UNPROFOR to demilitarize Sarajavo, restore normal live to the city and preserve peace in Central Bosnia.

At its 3349<sup>th</sup> meeting, on 14 March 1994, the Council resumed its consideration of the item. 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 (France) then drew the attention of the members of the Council to the above report and to a letter<sup>202</sup> dated 11 March 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General. The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>203</sup> on behalf of the Council:

"The Security Council remains gravely concerned at the continuing hostilities in the Republic of Bosnia and Herzegovina. It especially deplores the rapidly deteriorating situation in the Maglaj area and the threat it poses to the survival of the remaining civilian population. It notes that this intolerable situation has been perpetuated by the intensity of the nine-month siege of the town, for which the Bosnian Serb party is primarily responsible.

"The Council strongly condemns the indiscriminate shelling by the Bosnian Serb party of the civilian population of Maglaj, which has resulted in heavy casualties, loss of life and material destruction.

"The Council notes with particular concern reports of the recurrent obstruction and looting of humanitarian aid convoys destined for the civilian population of Maglaj, including the most recent incident which took place on 10 March 1994, in which six aid trucks were prevented from reaching the town. It is appalled that not one convoy has reached the town since 25 October 1993. The Council notes that the civilian population has been totally dependent on airdrops and commends those who have provided these vital missions. The Council demands that the Bosnian Serb party and the Bosnian Croat party allow forthwith and without conditions passage to all humanitarian convoys and the immediate evacuation of

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<sup>202</sup> S/1994/293.

<sup>203</sup> S/PRST1994/11.

those in need of urgent medical attention. The Council also demands that the siege of Maglaj be ended immediately.

"The Council welcomes the fact that United Nations Protection Force personnel have now obtained access to Maglaj. It demands that the Bosnian Serb party permit unimpeded and continuing access by the Force to Maglaj.

"The Council also condemns recent attacks against the personnel of the Force as well as of the Office of the United Nations High Commissioner for Refugees and other humanitarian organizations. It reiterates its demands that all parties ensure the safety and security of the Force as well as all other United Nations personnel and those of non-governmental organizations and their unimpeded freedom of movement throughout the Republic of Bosnia and Herzegovina.

"The Council affirms its determination to maintain and build upon the recent positive developments towards peace in the Republic of Bosnia and Herzegovina, and in this context notes the importance of protecting Maglaj and its civilian population from further hostilities. It will consider the situation in Maglaj further in the context of its examination of the report of the Secretary-General pursuant to its resolution 900 (1994) of 4 March 1994."

**Decision** of 6 April 1994 (3359<sup>th</sup> meeting): statement by the President

By a letter<sup>204</sup> dated 2 April 1994 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina transmitted a letter dated 1 April 1994 from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council. In that letter, the Prime Minister reported that a new Serb offensive was under way against the besieged town of Gorazde, in defiance of relevant Council resolutions, and particularly resolutions 824 (1993) and 836 (1993), according to which Gorazde had been designated a "safe area". He requested that the Security Council convene an emergency session to determine why the mandate to "deter attacks against the safe area" given by resolution 836 (1993) had not been utilized to confront those who had attacked the United Nations designated "safe area" of Gorazde.

At its 3359<sup>th</sup> meeting, held on 6 April 1994 in response to the request contained in the letter dated 2 April 1994 addressed to the President of the Security Council, the

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<sup>204</sup> S/1994/378.

Council included the above letter in its agenda. 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 (New Zealand) then drew the attention of the members of the Council to several documents<sup>205</sup> and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>206</sup> on behalf of the Council:

"The Security Council is deeply concerned at the continuing violence in the Republic of Bosnia and Herzegovina, particularly the attacks on the safe area of Gorazde and the recent acts of violence and terror, including reported acts of ethnic cleansing in Banja Luka and Prijedor.

"The Council takes note of the letter dated 1 April 1994 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, in which he reported, *inter alia*, on the hostilities in the eastern parts of his country. The Council, taking note also of the assessment<sup>207</sup> of the situation provided by the Secretariat and in paragraphs 16 and 17 of the report of the Secretary-General of 11 March and paragraphs 29 and 30 of his report of 16 March 1994, calls for an end to any provocative actions by whomsoever committed in and around the safe areas.

"The Council strongly condemns the shelling and infantry and artillery attacks by the besieging Bosnian Serb forces against the safe area of Gorazde in which many civilians have lost their lives and several hundreds have been wounded. The Council takes serious note of the continuing defiance of the relevant Council resolutions, in particular of resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993 related to the protection of safe areas. The Council demands the immediate cessation of any further attacks against the safe area of Gorazde and its population and calls upon those concerned to take all measures to ensure full

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<sup>205</sup> S/1994/364, S/1994/382 and S/1994/386, letters dated 30 March and 4 April 1994 from the Deputy representative of Bosnia and Herzegovina addressed to the President of the Security Council; and S/1994/396 and S/1994/400, letters dated 5 and 6 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

<sup>206</sup> S/PRST/1994/14.

<sup>207</sup> The assessment revealed that the safe-area concept had had mixed results. While the presence of UNPROFOR in the safe areas had deterred major attacks, lowered casualties and improved basic humanitarian conditions, living conditions remained appalling. In addition, the Army of Bosnia and Herzegovina had used the safe areas as location for its troops. If the concept was to be sustained, the term of "safe areas" needed to be redefined.

respect for the status of the safe areas in accordance with the relevant provisions of resolution 824 (1993).

"The Council welcomes the measures being taken by the United Nations Protection Force to strengthen its presence in Gorazde, and the impending visit of the Force Commander for Bosnia and Herzegovina to assess the situation further. The Council calls upon the parties to ensure that troops of the Force have unimpeded access to the area in and around Gorazde and to assure the safety and security of those troops. The Council underlines the importance it attaches to ensuring the safety and security of the troops of the Force in and around Gorazde.

"The Council stresses the need to achieve normal conditions of life in Gorazde, including restoration of essential public services, with the assistance of the United Nations and with the cooperation of the parties.

"The Council deplures recent acts of violence and terror including ethnic cleansing, particularly in Prijedor and Banja Luka. It reaffirms that the International Tribunal was established under its resolution 827 (1993) of 25 May 1993 for the purpose of investigating crimes of this sort and trying persons accused of committing such crimes. The Council stresses the importance it attaches to full compliance with international humanitarian law in all its aspects throughout the Republic of Bosnia and Herzegovina.

"The Council calls upon all parties to join the negotiation process aimed at the peaceful resolution of the conflict in the Republic of Bosnia and Herzegovina, and further calls for an immediate cease-fire, the cessation of hostilities and an exchange of all persons imprisoned as a result of the war. The Council welcomes the planned meeting between the military commanders in Sarajevo under the auspices of the Force.

"The Council affirms its determination to remain seized of the matter."

**Decision** of 14 April 1994 (3364<sup>th</sup> meeting): statement by the President

At its 3364<sup>th</sup> meeting, on 14 April 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (New Zealand) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>208</sup> on behalf of the Council:

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<sup>208</sup> S/PRST/1994/19.

"The Security Council is deeply concerned at recent incidents in the Republic of Bosnia and Herzegovina affecting the safety and freedom of movement of United Nations Protection Force personnel as reported by the Secretariat. These incidents constitute clear violations of the Council's resolutions, which bind the parties. The Council condemns such incidents and warns those responsible of the serious consequences of their actions.

"The Council affirms its full support for the Force in its execution of the Council's relevant resolutions. It demands that all parties, in particular the Bosnian Serb party, allow the Force unimpeded freedom of movement and refrain from any further actions which could threaten the safety of Force personnel. It calls upon them to work closely with the Force, to cease all hostilities and to cooperate fully in efforts to achieve a peaceful resolution of the conflict throughout the Republic of Bosnia and Herzegovina.

"The Council will remain seized of the matter."

**Decision** of 22 April 1994 (3367<sup>th</sup> meeting): resolution 913 (1994)

At its 3367<sup>th</sup> meeting, on 21 and 22 April 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Egypt, Finland, Greece, Hungary, Indonesia, the Islamic Republic of Iran, Jordan, Malaysia, Morocco, Norway, Poland, Qatar, Saudi Arabia, Senegal, Slovenia, the Sudan, Sweden, Tunisia, Turkey and the United Arab Emirates, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item and it extended an invitation to Mr. Engin Ahmet Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution<sup>209</sup> submitted by France, the Russian Federation, Spain and the United Kingdom, and to several other documents.<sup>210</sup>

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<sup>209</sup> S/1994/465.

<sup>210</sup> S/1994/400, 404, 412, 426, 451, 456 and 467, letters dated 6, 7, 9, 13, 15, 17 and 19 April 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/407, letter dated 7 April 1994 from the representative of Iran addressed to the Secretary-General; S/1994/418 and 449, letters dated 12 and 15 April 1994, respectively, from the Chargé d'affaires a.i. of Yugoslavia addressed to the



At the meeting, the representative of Bosnia and Herzegovina endorsed the letter dated 18 April 1994 from the Secretary-General of the United Nations to the Secretary-General of NATO, in which he requested the latter to authorize the launching of air strikes against Serbian's positions in and around the five other safe areas in Bosnia and Herzegovina, as well as the draft resolution before the Council. He also welcomed President Clinton's course of action with respect to NATO. The speaker noted, however, that none of these steps addressed the following considerations. First, it was imperative that the Council act immediately to respond to the "slaughter of innocents" in Gorazde. Those who had voted for the designation of Gorazde as a safe area could not avoid the burden they bore for the lives of the city's residents. It was that designation and the Council's commitment to it that had been offered in lieu of Bosnia right to self-defence. Second, the Council could not continue to impede Bosnia right to self-defence unless it was prepared to accept responsibility in full for the safety of the citizens of Bosnia. Third, the precedent of Gorazde posed a danger to the peace process in Croatia as well as in Bosnia and Herzegovina, and must be addressed directly. Lastly, Bosnia and Herzegovina was fully prepared to take part in good faith negotiations. The speaker concluded by reminding Members of the United Nations that the Security Council and NATO already possessed the necessary authority to provide close air-to-ground support for humanitarian workers and did not need new debates or authority.<sup>211</sup>

The representative of Croatia stated that, after two years of "unthinkable suffering", during which 150,000 innocent lives had been lost, the time had come to impose peace in Bosnia and Herzegovina. A credible threat of resolute force combined

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Secretary-General; S/1994/443, letter dated 14 April 1994 from the representative of the Russian Federation addressed to the Secretary-General; S/1994/450, letter dated 15 April 1994 from the Deputy representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/453, letter 15 April 1994 from the representative of Turkey addressed to the President of the Security Council; S/1994/457, letter dated 17 April 1994 from the representative of Bosnia and Herzegovina addressed to the Secretary-General; S/1994/460, letter dated 18 April 1994 from the representative of Croatia addressed to the President of the Security Council; S/1994/466, letter dated 18 April 1994 from the Secretary-General addressed to the President of the Security Council; S/1994/469, letter dated 18 April 1994 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council; S/1994/475, letter dated 20 April 1994 from the representative of India addressed to the Secretary-General; S/1994/478, letter dated 20 April 1994 from the Chargé d'affaires a.i. of Malaysia addressed to the Secretary-General; S/1994/480, letter dated 21 April 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; and S/1994/483, letter dated 21 April 1994 from the representative of Brunei Darussalam addressed to the President of the Security Council.

<sup>211</sup> S/PV.3367, pp. 3-5.

with equally assertive diplomatic efforts should finally bring peace to the people of Bosnia and Herzegovina. That was why Croatia supported President Clinton's call that the Sarajevo model of a clear ultimatum be extended to Gorazde and other safe areas in Bosnia and Herzegovina. Croatia would also support the use of the Sarajevo ultimatum model in the implementation of the Security Council's resolutions and the peace agreements for the occupied territories in Croatia. It would consider the extension of the exclusion zones for certain safe areas, such as Bihac and Tuzla, into the territory of Croatia. If the international community was not able to impose peace in Bosnia and Herzegovina by the resolute use of force and assertive diplomacy, then the Security Council would have to consider other ways to achieve the desired balance of power in the region, including through allowing Bosnia and Herzegovina to exercise its right to defend itself under Article 51 of the Charter of the United Nations.<sup>212</sup>

The representative of Turkey stated that Gorazde was a "test case" for the United Nations commitments in Bosnia and Herzegovina and for the role it would play in shaping the future of the international system. The lack of decisive action had sent the wrong signals to the aggressors. In order to be viable, the peace process must be backed by sufficient force to make the Serbs realize that more war would lead to "more pain than gain". That would only be possible if the Government and people of Bosnia and Herzegovina were given the chance to exercise their right to self-defence. Arguing that the arms embargo adopted by the Council in resolution 713 (1991) was in clear contradiction of Article 51 of the Charter, the speaker urged the Council to clarify the legal opinion that resolution 713 (1991) should not apply to Bosnia and Herzegovina. Turning to the safe areas, the speaker recalled that the concept of safe areas had been based on the assumption that the resolutions establishing them would be implemented effectively and immediately. Regrettably, however, those areas had been almost abandoned by the United Nations. Emphasizing that resolutions 824 (1993) and 836 (1993) provided a clear legal framework for the use of all necessary means, including air strikes against the aggressors for the defence of the safe areas, the speaker welcomed the

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<sup>212</sup> *Ibid.*, pp. 5-7.

letter from the Secretary-General to NATO and President Clinton's announcement as "steps in the right direction". Nevertheless, Turkey wanted to see "concrete action". It also welcomed the preambular paragraph of the draft resolution reaffirming the urgency of bringing the perpetrators of crimes against humanity before the International Tribunal established by resolution 827 (1993). He emphasized that what was needed was a quick prosecution process. Furthermore, Turkey had hoped that the draft resolution would contain a reference to the need to tighten the diplomatic isolation and economic embargo imposed on "the aggressor".<sup>213</sup>

The representative of Tunisia stated that the draft resolution should have indicated the Council's determination to use any means to put an end to the systematic violation of its resolutions by the Serb side. He argued that Article 51 of the Charter permitted resort to Article 42 of Chapter VII as the provisions of Article 41, which had been the only provisions invoked during the two years since the Council first passed a resolution on the matter, had not achieved the desired results. If the Council was not prepared, however, to follow the sequence of the various provisions in Chapter VII, then it should redefine the applicability of resolution 713 (1991) in respect of the Bosnian side. Referring to the safe areas, the speaker welcomed the movement towards applying the "Sarajevo model" to the other safe areas. He noted, however, that the Republic of Bosnia and Herzegovina was not confined to a few zones defined by the Security Council, and he urged the Council to declare the whole of Bosnia and Herzegovina to be a safe area and to clarify that the acquisition of any portion of that territory was "null and void". Before concluding, the speaker stated that Bosnia and Herzegovina was an integral part of the international community and that the States Member of the United Nations had only agreed, in the Charter, to delegate a portion of their responsibilities with respect to the maintenance of international peace and security on the understanding that the Council would be "the instrument of legality and right".<sup>214</sup>

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<sup>213</sup> *Ibid.*, pp. 7-9.

<sup>214</sup> *Ibid.*, pp. 9-11.

Noting that the international community, the United Nations and the Security Council had exerted great efforts over the preceding two years to resolve the crisis, Mr. Djokic contended that those efforts had not sought a comprehensive solution taking account of the vital interests of the three constituent peoples on the basis of equality. Rather, support and legitimacy had effectively been given to one side only - the Bosnian Muslims. At the same time, only the Bosnian Serbs and the Federal Republic of Yugoslavia had been confronted with "harsh sanctions". The speaker contended that there would not be and could not be peace in Bosnia and Herzegovina if the pressure was put only on one side – the Serb side – demanding that only it make concessions whereas the Muslim sides enjoyed massive political and military support to advance the military option. He stated that calls for lifting the arms embargo against the Bosnian Muslim side, and for offensive air strikes to be carried out against the Bosnian Serbs could only lead to an escalation of the conflict. The speaker warned that, if those calls were acted upon, the United Nations would become fully engaged on one side in the civil war. What was most important was that the Security Council gave full support to an urgent, unconditional cessation of hostilities and to a comprehensive cease-fire, which could be reached only through negotiations on the basis of equality, thus implying the lifting of sanctions.<sup>215</sup>

Mr. Ansay indicated that the Ministers of Foreign Affairs of the member countries of the OIC Contact Group on Bosnia and Herzegovina would hold an extraordinary ministerial meeting in New York in the following days, aiming to secure all necessary measures to be taken by the United Nations to protect the safe areas. Meanwhile, the OIC urged the Council to take effective steps to enforce the observance of its resolutions relating to the protection of the safe areas, and in particular Gorazde, and to authorize strong retaliatory action, including NATO air strikes, against the Serbian aggressor, to prevent the continuation of massacres and genocide in Gorazde and the spread of conflict to other areas. The Council should also restore without delay the right of individual and collective self-defence of Bosnia and Herzegovina. The OIC believed

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<sup>215</sup> *Ibid.*, pp. 11-13.

that any decision precluding Bosnia and Herzegovina from exercising that right was unconstitutional. The only entity that should be bound by the embargo was the Serbian aggressor. The European Union, NATO and the international community as a whole must take urgent steps to restore the *status quo ante* in Bosnia and Herzegovina, and to demonstrate that they were prepared to stand up in defence of international law and morality by all necessary means at their disposal to stop aggression and atrocities. The OIC also believed that for the sake of international justice and the prevention of more acts of genocide and other crimes against humanity, the International Tribunal should start functioning without delay.<sup>216</sup>

The representative of Slovenia said that his delegation joined those who had expressed support for the Secretary-General's recent appeal to NATO to provide the necessary protection of the safe areas. It also supported the approach proposed by President Clinton, agreeing that it was time for vigorous action and tightened sanctions. Moreover, Slovenia felt that equal resolve should be shown in matters concerning State succession and other issues resulting from the dissolution of the former Yugoslavia. The United Nations should definitively terminate the membership of the former Yugoslavia in order to improve the conditions for a real and durable peace. Referring to the issue of the arms embargo, the speaker stated that it was important to recognize that the embargo had been extended on the former Yugoslavia and its successor States in a specific situation in 1992. It was therefore time for a decision that took into account the new realities and different situations of each of the successor States. There were reasons for keeping the arms embargo as a part of the sanctions against the main successor State of the former Yugoslavia, against which sanctions were imposed, however, there was a need to reconsider the merits of applying the embargo against those engaged in legitimate self-defence, which was an inherent right of all United Nations Members. Finally, in the case of Slovenia, there was no justification for maintaining the embargo, as Slovenia was not involved in the armed conflicts which had prompted the adoption of that measure.<sup>217</sup>

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<sup>216</sup> *Ibid.*, pp. 25-26.

<sup>217</sup> *Ibid.*, pp. 35-36.

The representative of Bulgaria noted that, as his country was in close proximity to the conflict, it had always insisted on firm judgement and energetic steps on the part of the United Nations to contain and end the war in Bosnia and Herzegovina. Bulgaria had a key role to play in implementing the sanctions against Serbia and Montenegro and, being fully aware of its responsibilities, it was adhering strictly to the relevant resolutions, at great economic sacrifice. It was Bulgaria's expectation that its difficulties would be kept in mind and taken into account.<sup>218</sup>

Other speakers also welcomed the request of the Secretary-General to NATO to authorize air strikes to protect Gorazde,<sup>219</sup> while some reiterated their support for the lifting of the arms embargo against Bosnia and Herzegovina.<sup>220</sup>

Speaking before the vote, the representative of Pakistan stated that his delegation had expected the draft resolution to include a reference to the review of the applicability of resolution 713 (1991). Regrettably, its inclusion had not been acceptable to some members of the Council. His delegation support for the draft had therefore been diluted by that omission. Pakistan was also concerned that the draft resolution did not address the issue of an increase in troop levels. Therefore, while his delegation would reserve the right to introduce another draft resolution calling for the lifting of the arms embargo against Bosnia and Herzegovina, it would nevertheless support the draft resolution.<sup>221</sup>

The representative of the United States observed that the civilians of Gorazde were being subjected to murderous attacks by the Bosnian Serbs on a daily basis. These attacks were an outrage to the conscience of the Council and an affront to international law. Noting that President Clinton had outlined the position of her Government in that regard, she indicated that her delegation was consulting with other members of the

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<sup>218</sup> *Ibid.*, pp. 38-39.

<sup>219</sup> *Ibid.*, Hungary, pp. 17-18; Senegal, pp. 20-21; Indonesia, pp. 21-22; United Arab Emirates, pp. 27-28; Malaysia, pp. 29-31; Norway, p.31; Austria, pp. 31-32; Poland, pp. 36-37.

<sup>220</sup> *Ibid.*, Afghanistan, pp. 18-20; Senegal, pp. 20-21; Indonesia, pp. 21-22; Jordan, pp. 22-24; United Arab Emirates, pp. 27-28; Malaysia, pp. 29-31; Iran, pp. 33-34; Qatar, pp. 37-38; Sudan, pp. 39-41.

<sup>221</sup> *Ibid.*, pp. 43-45.

Council on measures to provide more adequate protection to the safe areas, in keeping with Council resolutions, and it had proposed the extension of the approach used around Sarajevo to other safe areas. The United States would also work with other members of the Council to tighten enforcement of the sanctions against Serbia and Montenegro and it would continue to support UNPROFOR, which genuinely needed increased manpower. It would also continue to support fully the International Tribunal. The speaker further indicated that the United States Senate had debated a resolution calling for the United States to lift the arms embargo unilaterally. So far, the United States had resisted a unilateral approach, because it believed in the sanctity of the sanctions imposed by the United Nations. Nevertheless, Council members should understand that the Government of the United States supported changing resolution 713 (1991) so that the victims of aggression might finally be permitted to defend themselves.<sup>222</sup>

The draft resolution was then put to the vote and adopted unanimously as resolution 913 (1994), which reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina, and reaffirming in this context its resolution 908 (1994) of 31 March 1994,

*Recalling also* the statement by the President of the Security Council of 6 April 1994 relating to the situation in the safe area of Gorazde,

*Reaffirming* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

*Deeply concerned* by the ongoing hostilities in and around Gorazde, as well as by the consequences for the situation in other areas of the Republic of Bosnia and Herzegovina and on the negotiation process aimed at an overall political settlement,

*Condemning in the strongest possible terms* the Bosnian Serb forces for their continued offensive against the safe area of Gorazde, which has resulted in the death of numerous civilians and tremendous human suffering,

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<sup>222</sup> *Ibid.*, pp. 49-50.

*Condemning* all attacks against civilian populations and humanitarian relief workers, and reiterating that any persons committing violations of international humanitarian law will be held individually responsible,

*Condemning also* the Bosnian Serb party for its failure to negotiate in good faith and to uphold its commitments made to the representatives of the United Nations and the The Russian Federation n Federation in respect of cease-fire arrangements in and around Gorazde,

*Sharing* the concern expressed by the Secretary-General in his reports of 11 March and 16 March 1994, and taking note of the recommendations of the Secretary-General concerning the definition and implementation of the concept of safe areas,

*Determined* to contribute to the immediate establishment of a lasting cease-fire in Gorazde as well as throughout the territory of the Republic of Bosnia and Herzegovina through negotiations between the parties, and to ensure its respect,

*Reaffirming* the mandate conferred on the United Nations Protection Force by its resolutions 824 (1993) of 6 May 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 908 (1994), and emphasizing that the Force will continue to make full use of this mandate as and when needed in execution of the relevant resolutions of the Council,

*Praising* the untiring and courageous action of the personnel of the Force and of other United Nations agencies in the Republic of Bosnia and Herzegovina,

*Condemning* the harassment and the detention of Force personnel by the Bosnian Serb forces and all obstacles to the freedom of movement of the Force,

*Paying tribute* to the enlargement of diplomatic efforts towards the conclusion of an overall political settlement, welcoming in this context the ongoing international efforts by representatives of the United Nations, the European Union, the United States of America and the The Russian Federation n Federation, and determined to strengthen and coordinate these international efforts in order to bring together the current diplomatic initiatives with the aim of securing the participation of all the parties concerned in an overall political settlement,

*Determining* that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

A

1. *Demands* the immediate conclusion by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serb party of a cease-fire agreement, under the auspices of the United Nations Protection Force, in Gorazde and throughout the territory of the Republic of



Bosnia and Herzegovina, leading to an agreement on cessation of hostilities, and demands that all parties comply strictly with such agreements;

2. *Invites* the Secretary-General to take the necessary steps to ensure that the Force is able, within the limits of its available resources, to monitor the situation in Gorazde and respect of any cease-fire and disengagement of the military forces in Gorazde, including any measure to put heavy weapons of the parties under United Nations control;

3. *Condemns* the shelling and attacks by the Bosnian Serb forces against the safe area of Gorazde as defined in resolution 824 (1993), and demands the withdrawal of these forces and their weapons to a distance to be agreed by the Force wherefrom they cease to constitute a threat to the status of Gorazde as a safe area;

#### B

4. *Calls* for an end to any provocative action by whomsoever committed in and around the safe areas;

5. *Demands* the immediate release of all United Nations personnel still held by the Bosnian Serb forces;

6. *Also demands* unimpeded freedom of movement for the Force in the fulfilment of all its tasks and the removal of all obstacles to such freedom of movement;

7. *Confirms* the decision in resolution 908 (1994) to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General;

#### C

8. *Underlines* the urgent need to intensify the efforts towards an overall political settlement agreed by all parties in the Former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

9. *Calls* for the intensification of the efforts to achieve a peaceful settlement with coordination and close consultation between the representatives of the United States of America and the Russian Federation and those of the United Nations and the European Union, with the aim of bringing together current diplomatic initiatives;

#### D

10. *Decides* to remain actively seized of the matter, and stands ready promptly to consider taking further measures as required.

Speaking after the vote, the representative of France stated that firm pressure on the Bosnian Serbs was indispensable. The resolution just adopted provided an appropriate response in that respect, by calling for the immediate conclusion of a cease-fire

agreement and the withdrawal of Serb forces to a distance that would guarantee the security of Gorazde. These demands would be more rapidly implemented and the protection of the safe areas ensured when there was a credible prospect for military action against those responsible for the attacks upon the safe areas. France supported the Secretary-General's request that NATO authorize air strikes, as well as the proposals by the United States Government to expand the use of air action to protect the safe areas in Bosnia and Herzegovina. In addition to these initiatives, diplomatic efforts should be resumed in order to achieve a political settlement and should revolve around a common position between the various protagonists participating in the quest for a settlement - the United States, the Russian Federation, the European Union and the United Nations. Such a common position should be based upon the major principles of the European Union plan, including, *inter alia*, programming the progressive suspension and lifting the sanctions at the appropriate time.<sup>223</sup>

The representative of the Russian Federation stated that the resolution just adopted was an important, unanimous step in response to the alarming situation around Gorazde and in Bosnia and Herzegovina as a whole. The leadership of the Bosnian Serbs should comply with its obligations, cease attacks, withdraw their forces from Gorazde and allow the entry of the United Nations into that city. At the same time, acts of provocation in and around Gorazde should be halted. That demand in the resolution was addressed to all sides. In that context, it was important that the resolution adopted shared the concern expressed by the Secretary-General in his reports of 10 and 16 March, regarding the misuse of the safe areas, and took note of his recommendations concerning the definition and implementation of the concept of safe areas. In order to steer the conflict towards peaceful settlement, resolute and determined steps were needed. At the same time, however, the Russian Federation called for restraint and caution, because the logic of increasing air strikes contained an inherent danger of escalation. It also emphasized that the idea of lifting the arms embargo in an area of conflict ran counter to the idea of the speedy attainment of peace and could only "fan the flames" of the conflict.

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<sup>223</sup> *Ibid.*, pp. 50-51.

Referring to a recent initiative by President Yeltsin to hold a high-level meeting between his country, the United States, the EU and the United Nations, the speaker stated that the time was ripe for those parties to work together towards a political solution to the Bosnian problem, and to put it before the belligerent parties, so that they were absolutely clear that it was essential to negotiate. At the same time, the Serbian side should understand that each step towards a complete cessation of hostilities would be accompanied by a corresponding lifting of the sanctions.<sup>224</sup>

The representative of Brazil stated that his delegation was in full agreement with the main objectives of the resolution just adopted. It had been the consistent position of the Brazilian Government that the use of force must be a last resort, to be employed only under well-defined circumstances and in strict compliance with relevant Security Council resolutions. As a corollary to that principle, the Council should direct its actions to facilitating the achievement of an overall negotiated settlement. Brazil therefore welcomed endeavours to bring together the various existing diplomatic initiatives. Referring to UNPROFOR, the speaker stated that Brazil believed that the Force must be provided with the necessary means and “humanpower” to carry out its mandate. Nevertheless, should circumstances so require, the Council must be prepared to review all aspects of the United Nations presence in Bosnia and Herzegovina.<sup>225</sup>

The representative of the United Kingdom stated that the resolution just adopted was clear-cut in its condemnation of the way in which the Bosnian Serbs had continued to shell Gorazde, while giving undertakings to the United Nations and others about cease-fires. Noting that UNPROFOR had been given a “multiplicity” of roles in Bosnia, the speaker urged that the Force must be given the troops to do its job without delay. Observing that a negotiated settlement remained the only path to a lasting peace, he stated that the latest actions of the Serbs had only served to underline the case for tightening the sanctions against the Federal Republic of Yugoslavia. As the Council had made clear, the road to lifting the sanctions would first require the negotiation and

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<sup>224</sup> *Ibid.*, pp. 52-53.

<sup>225</sup> *Ibid.*, pp. 53-54.

implementation of a just overall settlement of hostilities in the former Yugoslavia. Referring to the Secretary-General's request to NATO, the speaker noted that his Government was participating actively in NATO's consultations regarding the next step. The Serbs would be well-advised to withdraw, respect the resolution just adopted and seek in good faith a peace settlement which could secure the interests of all communities in Bosnia and Herzegovina.<sup>226</sup>

The representative of China stated that there were no alternatives to settling the conflict through peaceful negotiation. China supported the efforts to strengthen and coordinate the various political and diplomatic initiatives, and had therefore voted in favour of the resolution just adopted. The speaker reiterated, however, that China opposed the use or threat of force, as well as any attempt to stop war by expanding its scope. Any escalation of military conflict could only lead to further military confrontation and intensified conflict, thus making more remote any chance of political settlement. China continued to have reservations on the invocation of Chapter VII for mandatory actions and the implied possible military actions in the resolution.<sup>227</sup>

**Consideration of the item** at the 3370<sup>th</sup> meeting (27 April 1994)

By a letter<sup>228</sup> dated 22 April 1994 addressed to the President of the Security Council, the representative of Pakistan, in his capacity as the Chairman of the Islamic Conference of Foreign Ministers, requested that a formal meeting of the Security Council on the situation in Bosnia and Herzegovina be scheduled for 27 April 1994. The request was being made to facilitate a debate on the deteriorating situation in Bosnia and Herzegovina.

At its 3370<sup>th</sup> meeting, held on 27 April 1994 in response to the request contained in the above letter, the Council included the letter in its agenda. Following the adoption

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<sup>226</sup> *Ibid.*, pp. 54-55.

<sup>227</sup> *Ibid.*, pp. 55.

<sup>228</sup> S/1994/492.

of the agenda, the Council invited the representatives of Albania, Azerbaijan, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, Greece, India, Iran, Malaysia, Norway, Saudi Arabia, Senegal, Sudan, Sweden, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion and it extended an invitation to Mr. Hamid Algabid, the Secretary-General of the Islamic Conference.

At the meeting, the representative of Pakistan stated that the Council should use its authority to persuade the Bosnian Serbs to accept the agreement signed between the Bosnian Government and the Croats on the creation of a federation. He contended that a new political process, which should secure the full participation of the Islamic countries and enjoy the support of the Council, could create a momentum towards a comprehensive peace agreement. The speaker further indicated that at a meeting of the Foreign Ministers of the Islamic Conference Contact Group on Bosnia and Herzegovina, that had taken place that same day, the Ministers had declared, *inter alia*, that resolution 713 (1991) did not apply to Bosnia and Herzegovina and that the arms embargo against the Bosnian Government was “unjust, illegal and in direct contradiction of Article 51 of the United Nations Charter”. The Ministers had also demanded the withdrawal of Serbian heavy weapons from Gorazde, and had called for the strengthening of UNPROFOR. Furthermore, Islamic Conference Ambassadors in New York had been mandated to pursue the objectives of the declaration, in particular with respect to the modification of resolution 713 (1991) to enable the Bosnian Government to exercise its right to self-defence. Pakistan would propose, on behalf of the OIC, that the Council adopt a resolution declaring that the provisions of resolution 713 (1991) did not apply to Bosnia and Herzegovina. If these efforts were to fail, an urgent session of the General Assembly would be sought, in order to seek “peace with justice” in Bosnia and Herzegovina.<sup>229</sup>

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<sup>229</sup> S/PV.3370, pp. 2-5.

The representative of Turkey noted that his delegation had tried several times to convince the Security Council to set a time-limit for the Serbian side to comply with its resolutions. It had also underlined that the aggressors should be warned very clearly that if they failed to comply they would face the consequences. It was such convictions that had prompted Turkey to actively participate in the formulation of the NATO's decisions. The speaker pointed out that the option of air strikes had been favoured by his Government since 1992. Turkey had also defended the view that it should be applicable not only to Sarajevo but to all six United Nations safe areas. The speaker argued that had that proposal been accepted on time, it would have spared many lives in Gorazde. He further contended that while the accountability of the perpetrators of war crimes constituted one of the main pillars of credible deterrence against aggression, nothing was more important for deterrence, however, than letting the Bosnians acquire the means to exercise their inherent right to defend themselves. Turkey would continue to insist that the Council clarify the legal opinion that its resolution 713 (1991) did not and should not apply to Bosnia and Herzegovina. Noting that the Council had reaffirmed in all relevant resolutions the sovereignty and territorial integrity of Bosnia and Herzegovina and rejected the acquisition of territory through the use of force and the practice of "ethnic cleansing", the speaker stated that the time had come for the Council to put these principles into practice. Furthermore, the diplomatic isolation and economic embargo imposed on the FRY should be tightened. Welcoming the calls for the convening of a high – level meeting on Bosnia, Turkey expected the Member States of the OIC Contact Group on Bosnia to be invited to take part to such a meeting.<sup>230</sup>

The representative of Egypt welcomed the decision by NATO, as a regional organization under Chapter VIII of the Charter, to carry out air strikes against Serb military positions from which attacks had been launched. His delegation was also considering with interest the idea of holding a new international conference. If such a conference were to proceed, it would need to address a number of points. First, the terms of reference must be in conformity with the Charter and international law and should

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<sup>230</sup> *Ibid.*, pp. 6-7.

include the non-acquisition of territory by force. Second, any proposed peace settlement must be in accordance with the Charter and the resolutions of the Council. Third, the conference should concentrate on settling the problem of Bosnia and Herzegovina. Fourth, the international community must ensure that the plan was put into effect through binding international measures. Finally, the International Tribunal must be provided with the necessary resources to undertake its responsibilities. The speaker further stated that the Council must take charge and decide on a set of measures, including lifting the arms embargo. Otherwise, the only alternative would be to have recourse to a special emergency session of the General Assembly to take a decision on that important issue. Quoting Article 51 of the Charter, he argued that the provision implied that no international body or authority, including the Council itself, should undermine the natural or inherent right of all States to self-defence. Furthermore, the right to self-defence applied and was applied, as provided by Article 51, “until the Council had taken measures necessary to maintain international peace and security”. Obviously, all resolutions adopted by the Council in that regard over the past two years were far from adequate to preserve international security since fighting and acts of aggression had continued. Therefore, the Council could not use these resolutions as a pretext for not lifting the embargo. Lastly, by placing the aggressor and the victim on an equal footing, the Council had contravened the provisions of the Charter. Stressing that the legality of the measures taken by the Council depended on the degree to which they conformed to the provisions of the Charter and referring to Article 103 of the Charter, the speaker contended that Council’s decisions did not prevail over the Charter. The speaker hoped that the Council would shoulder its responsibilities in accordance with the provisions of the Charter, adopt a resolution to support Bosnia and Herzegovina, and decide to lift the arms embargo in order to enable it to exercise its legitimate right to self-defence.<sup>231</sup>

The representative of Bosnia and Herzegovina called for a decisive approach by the United Nations towards his country pointing out that the recent ultimatum issued by NATO and the United Nations was an example of what could be achieved when the

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<sup>231</sup> *Ibid.*, pp. 17-20.

international community showed resolve and will for action. The speaker stressed a number of points. Firstly, the Serbs should withdraw from the safe areas and their surroundings and their heavy weapons should be removed and returned to Serbia. The arms embargo should be lifted and Bosnia and Herzegovina's right to self-defence under Article 51 of the Charter restored. Secondly, a process of neutralization of weaponry must be worked out. Thirdly, the peace process must be based on respect for the sovereignty and territorial integrity of Bosnia and Herzegovina and the return of territories seized by force. Fourthly, the United Nations had an obligation to ensure that resolution 913 (1994), which called for the withdrawal of Serbian forces from the safe area of Goradze, was implemented based upon resolution 824 (1993), by which Goradze was declared a safe area. It must also ensure that the boundaries of the safe area existing prior to the Serbian offensive were restored pending the final outcome of the negotiations. Lastly, the newly formed Contact Group on Bosnia and Herzegovina should include a representative of the OIC.<sup>232</sup>

The representative of Greece, speaking on behalf of the European Union (EU), noted that the EU had called for an intensified diplomatic effort by the international community, involving the United Nations, the EU, the United States and the Russian Federation, to ensure the convergence of their initiatives. Particularly at that critical juncture, the goal was to establish conditions which would lead to a comprehensive cessation of hostilities and a peace settlement. It was now more important than ever that the parties engaged in meaningful negotiations. The speaker further stated that the EU Action Plan provided the only appropriate basis for a negotiated settlement and a lasting peace. Referring to UNPROFOR, he urged that the Force should be provided with the necessary means to carry out its mandate without which any progress in the peace process would be meaningless. In that regard, the adoption of resolution 914 (1994) that day on the strengthening of UNPROFOR was welcomed.<sup>233</sup>

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<sup>232</sup> *Ibid.*, pp. 22-23.

<sup>233</sup> *Ibid.*, pp. 23-24.



The representative of the Russian Federation noted that the normalization of the situation around Gorazde and the fulfilment by the Bosnian Serb party of its obligations were creating positive opportunities for a swift settlement in Bosnia and Herzegovina. He further noted that the initiative of his President for holding a summit meeting between the Russian Federation, the United States, the EU and the United Nations was aimed at achieving such a settlement. The most important point was that military measures should not overshadow the political settlement. The Russian Federation expected that the Bosnian parties and the Russian Federation's partners would join in that process and concentrate their efforts on the following. First, the system of safe areas should be strengthened in accordance with Council resolutions. Second, the Serbs and the Muslims should sign an unconditional agreement as soon as possible on a halt to all hostilities. Third, there should be a comprehensive political settlement in Bosnia and Herzegovina, taking into account the legitimate interests and equal status of all inhabitants of that territory. Lastly, progress in restoring peace to Bosnia and Herzegovina should be accompanied by an appropriate easing of sanctions against the Federal Republic of Yugoslavia. Referring to the arms embargo, the speaker argued that the demands for the embargo to be lifted ran counter to efforts aimed at political settlement and could only lead to an escalation of the war. He further noted that his delegation had repeatedly drawn attention to the ideas expressed by the Secretary-General with respect to the need for a revision of the concept of safe areas, whose status was frequently abused. In that connection, his delegation believed that the United Nations forces, together with the parties concerned, should be entrusted with the task of defining a system and borders for each of the safe areas. It was important that United Nations forces be deployed in the safe areas. An important condition for respecting the status of the safe areas was their demilitarization. Heavy weapons must be placed under control and unimpeded humanitarian assistance to the safe areas must be guaranteed. The Russian Federation felt that it was particularly important for the Council to begin work and shoulder its responsibility for determining the system of safe areas.<sup>234</sup>

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<sup>234</sup> *Ibid.*, pp. 25-27.

Mr. Djokic stated that in that critical phase, it was imperative that the international community and the Council did everything in their power to facilitate a negotiated settlement of peace. All efforts must be concerted to establish a comprehensive cease-fire throughout Bosnia and Herzegovina. Only the urgent and unconditional cessation of all hostilities, without prejudice to the final political solution, could pave the way for the resumption of the peace process. For its part, the leadership of the Federal Republic of Yugoslavia had throughout the conflict invested efforts towards finding a peaceful solution and influencing the Bosnian Serbs to make compromises. The Former Republic of Yugoslavia welcomed the recent renewed efforts directed towards the resumption of the peace process and the active participation of the United Nations, the European Union, the Russian Federation and the United States in that regard. The activities of the newly created Contact Group could be a step in the right direction. The Former Republic of Yugoslavia, however, was concerned by the reservations of some countries regarding the initiatives for resolving the conflict by peaceful means and the persistence of threats and punitive measures. The speaker further argued that the complex nature of the conflict in Bosnia and Herzegovina made it necessary that no former occupying Power of the territories of the former Yugoslavia or any neighbouring States should be involved in peacekeeping activities. In that regard, the decision to send Turkish troops to Bosnia and Herzegovina was not only against the interest of easing the situation in the region, but could also have a direct bearing on the escalation of the conflict.<sup>235</sup>

The representative of Croatia noted that the presence of so many high representatives of the Governments in the debate indicated on the one hand the urgency of the situation in the region and, on the other hand, gave hope that their commitment would bring that crisis to a fair conclusion. In that regard, Croatia emphasized the importance of the views of the OIC in the peace process. That was why it had called for the inclusion of a high-ranking representative of the OIC in the process of finding a political solution to the conflict. International mediation could, however, have its limits. The international community had been unable to find the appropriate balance of power to

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<sup>235</sup> *Ibid.*, pp. 32-33.

match its attempts at political mediation. As long as this imbalance continued, the Croatian Government would support the lifting of the arms embargo. The speaker emphasized in that regard, that the arms embargo would not necessarily promote war. Rather it would create a balance that would promote non-violent options for a fair and sustainable settlement. He argued that the international community must use all necessary means to “disengage” the Serbian military capacity, or lift the arms embargo, thus enabling Bosnia and Herzegovina and Croatia to acquire the defence capacity to compel the Serbian side to accept and implement the results of international mediation and the relevant Security Council resolutions. Otherwise, the war in Bosnia and Herzegovina would continue, and the political situation in Croatia might be jeopardized to the point of renewed fighting.<sup>236</sup>

The representative of Albania reiterated his country’s position, that intensive diplomatic action combined with other measures, including the use of force, would be the most suitable means to bring peace. He welcomed the initiative to convene a high-level conference, whilst drawing attention to the serious situation in Kosovo and stating that dealing with the crisis in Kosovo should be an integral element in the peace process. The Albanian Government reiterated the view that the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) constituted an important component of the international community’s efforts to bring peace to the region and should be maintained despite the fact that Albania was experiencing “enormous difficulties” as a result of these sanctions.<sup>237</sup>

During the debate, a number of speakers called for the lifting of the arms embargo in order to enable Bosnia and Herzegovina to exercise its inherent right to self-defence in accordance with Article 51 of the Charter.<sup>238</sup> Other speakers opposed the idea, arguing that such a step would not facilitate a peaceful resolution of the conflict.<sup>239</sup>

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<sup>236</sup> *Ibid.*, pp. 34-36.

<sup>237</sup> *Ibid.*, p. 40.

<sup>238</sup> *Ibid.*, Pakistan, pp. 3-5; Turkey, pp. 6-7; Malaysia, pp. 8-11; Iran, pp. 11-13; Senegal, pp. 13-14; Saudi Arabia, pp. 14-16; Tunisia, pp. 16-17; Egypt, pp. 17-20; OIC, pp. 20-22; Bosnia and Herzegovina, pp. 22-23; Oman,

**Decision** of 29 April 1994: letter from the President to the Secretary-General

By a letter<sup>240</sup> dated 29 April 1994, the President of the Security Council informed the Secretary-General as follows:

"The members of the Security Council, while discussing the situation in the Republic of Bosnia and Herzegovina and in the safe areas established by the relevant resolutions of the Council, took note of the recommendations of the Secretary-General concerning the definition and implementation of the concept of safe areas, as contained in his reports of 11 March and 16 March 1994.

"The members of the Council request the Secretary-General to submit by 10 May 1994 further specific recommendations on modalities of the implementation of the concept of safe areas as defined in resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993."

**Decision** of 4 May 1994 (3374<sup>th</sup> meeting): statement by the President

At its 3374<sup>th</sup> meeting, on 4 May 1994, the Council resumed its consideration of the item. 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 (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>241</sup> on behalf of the Council:

"The Security Council calls upon the parties to the conflict in the Republic of Bosnia and Herzegovina to agree to a complete cessation of hostilities, to comply fully therewith, and to resume immediately negotiations, without preconditions, for the conclusion of an overall settlement. It demands that the parties immediately refrain from any offensive military action and any action likely to lead to renewed fighting.

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pp. 24-25; Djibouti, pp. 27-28; Croatia, pp. 34-36; Sudan, pp. 36-37; Bangladesh, pp. 37-38.

<sup>239</sup> *Ibid.*, the Russian Federation, pp. 25-27; New Zealand, pp. 28-29; Canada, pp. 29-30; Sweden, pp. 31-32; FRY, pp. 32-33; Norway, pp. 33-34.

<sup>240</sup> S/1994/521.

<sup>241</sup> S/PRST/1994/23.

"The Council is concerned at recent indications of increasing tension in a number of areas in the Republic of Bosnia and Herzegovina, in particular the Posavina 'corridor'.

"The Council welcomes the arrangements reported by the Secretariat to establish a United Nations Protection Force presence in the region of the Posavina 'corridor'. It encourages the Special Representative of the Secretary-General for the Former Yugoslavia to pursue this rapidly and also to seek enhanced aerial surveillance of this and other areas of tension. The Council calls on all the parties to cooperate fully with the Special Representative and the Force in the planned deployment. It warns the parties of the serious consequences of any offensive military action in or around the Posavina 'corridor'.

"The Council is considering further decisions on the matter and will remain actively seized of it."

**Decision** of 25 May 1994 (3380<sup>th</sup> meeting): statement by the President

On 19 May 1994, pursuant to resolution 913 (1994), the Secretary-General submitted to the Council a report<sup>242</sup> on the situation in Bosnia and Herzegovina, and in particular in Gorazde. The Secretary-General reported that the situation in Gorazde remained one of stalemate and tensions continued to be high. He further noted that despite the limitation of its mandate and military resources, UNPROFOR had played a major stabilizing role and contributed to normalizing the situation, particularly in and around Sarajevo, along the entire confrontation line between Bosnian Croat and Bosnian government forces, in Gorazde, and in Brcko and the Posavina corridor with the deployment of military observers since 7 May 1994. UNPROFOR could not, however, be expected indefinitely to preserve such achievements unless early progress was made towards an agreement on a comprehensive cessation of hostilities and a halt to the movement of military forces, equipment and supplies. In that regard, the Secretary-General had requested his Special Representative and UNPROFOR to approach the parties immediately to bring about an early meeting and an agreement on such issue taking into account the separation of forces, the withdrawal of heavy weapons and the interposition of UNPROFOR troops. He also welcomed the call by the Troika of the EU, France, the Russian Federation, the United States and the United Kingdom in Geneva, on

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<sup>242</sup> S/1994/600.

13 May 1994, for a further reinforcement of UNPROFOR and requested the Council's support for his proposals.

At its 3380<sup>th</sup> meeting, on 25 May 1994, the Council included the above report in its agenda. 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 (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>243</sup> on behalf of the Council:

"The Security Council has considered the report of the Secretary-General pursuant to its resolution 913 (1994).

"The Council reiterates the urgent need to intensify efforts towards an overall political settlement of the conflict in the Republic of Bosnia and Herzegovina. It calls on the parties to resume, without preconditions, serious efforts to reach a political settlement.

"The Council reaffirms the urgent need for a comprehensive cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina. In this regard, the Council supports the decision of the Secretary-General, in accordance with paragraph 1 of resolution 913 (1994), to entrust his Special Representative and the Force Commander of the United Nations Protection Force with the task of achieving a comprehensive cessation of hostilities. In this context it welcomes the call for such a cessation of hostilities in the communiqué dated 13 May 1994 issued at the meeting of Ministers for Foreign Affairs at Geneva.

"The Council demands immediate and full compliance with its resolution 913 (1994) and, in respect of Gorazde, calls upon the parties to cooperate fully with the Force to that end."

**Decision** of 1 June 1994 (3387<sup>th</sup> meeting): statement by the President

At its 3387<sup>th</sup> meeting, on 1 June 1994, the Council resumed its consideration of the item. 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 (Oman) then stated that, after consultations among members of the

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<sup>243</sup> S/PRST/1994/26.

Security Council, he had been authorized to make the following statement<sup>244</sup> on behalf of the Council:

"The Security Council recalls its presidential statement of 25 May 1994.

"The Council reiterates the urgent need for a comprehensive cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina, and calls upon the parties to resume, without preconditions, serious efforts to reach a political settlement. In that regard, it fully supports efforts by the Special Representative of the Secretary-General for the Former Yugoslavia and the Force Commander of the United Nations Protection Force to negotiate such a cessation of hostilities, and welcomes the decision to convene a meeting with the parties at Geneva on 2 June 1994. It also welcomes the reported decision of the Government of the Republic of Bosnia and Herzegovina and of the Bosnian Serb party to attend that meeting. The Council strongly encourages the parties to negotiate in good faith, so that a cessation of hostilities can be agreed to as quickly as possible.

"To that end, the Council strongly demands immediate, full and unconditional compliance with its resolution 913 (1994) of 22 April 1994, and in this context endorses the efforts made by the Force to ensure the implementation of that resolution. It calls upon both parties to cooperate fully with the Force in these efforts."

**Decision** of 30 June 1994 (3399<sup>th</sup> meeting): statement by the President

At its 3399<sup>th</sup> meeting, on 30 June 1994, the Council resumed its consideration of the item. 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 (Oman) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>245</sup> on behalf of the Council:

"The Security Council underlines its support for the 8 June 1994 agreement of the parties to the conflict, in which they agreed to observe a cease-fire for a period of one month starting

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<sup>244</sup> S/PRST/1994/29.

<sup>245</sup> S/PRST/1994/31.

from 10 June 1994. The Council expresses its grave concern at the parties' failure to comply with the agreement to date.

"The Council calls once again on the parties to stop all offensive military operations and other provocative actions, as well as all cease-fire violations and ethnic cleansing, and to cooperate with the Special Representative of the Secretary-General for the Former Yugoslavia and the United Nations Protection Force. It also calls on the parties to resume negotiations on a comprehensive cessation of hostilities for the entire territory of the Republic of Bosnia and Herzegovina, with a view to reaching agreement before the expiration of the 8 June agreement on 10 July 1994, while continuing negotiations to achieve a just and comprehensive peace agreement.

"The Council deplors all attacks on United Nations personnel and calls on those responsible to ensure that such attacks do not take place. It also condemns the restrictions imposed on the freedom of movement of the Force, and demands that these restrictions be immediately lifted, so as to enable the Force to assist in the implementation of the 8 June agreement."

**Decision** of 7 July 1994: letter from the President to the Secretary-General

By a letter<sup>246</sup> dated 24 May 1994 addressed to the President of the Security Council, the Secretary-General transmitted the final report of the Commission of Experts established pursuant to resolution 780 (1992). The Commission had been established to examine and analyse information gathered with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The Commission had concluded that such breaches had been committed on a large scale. It further had noted that the practice of the so-called "ethnic cleansing" had been carried out by some of the parties so systematically that they strongly appeared to be the product of a policy. The Secretary General indicated that he shared the conclusions of the Commission and had instructed that all relevant information gathered by the Commission be forward to the Office of the Prosecutor of the International Tribunal.

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<sup>246</sup> S/1994/674.



By a letter<sup>247</sup> dated 7 July 1994, the President of the Security Council informed the Secretary-General as follows:

"I have the honour to refer to your letter dated 24 May 1994 transmitting the final report of the Commission of Experts established pursuant to Security Council resolution 780 (1992) of 6 October 1992.

"The members of the Council are grateful to the Commission of Experts for the work done in the discharge of its mandate. They have noted with appreciation that the database and all the other information gathered by the Commission in the course of its work have been forwarded to the office of the Prosecutor of the International Tribunal."

**Decision** of 2 September 1994 (3421<sup>st</sup> meeting): statement by the President

At its 3421<sup>st</sup> meeting, on 2 September 1994, the Council resumed its consideration of the item. 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 (Spain) then drew the attention of the members of the Council to a letter<sup>248</sup> dated 1 September 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>249</sup> on behalf of the Council:

"The Security Council is deeply disturbed at continuing reports of acts of ethnic cleansing by the Bosnian Serb party in the Bijeljina area. It condemns this practice wherever it occurs and by whomsoever it is committed and demands its immediate cessation. It further condemns all violations of international humanitarian law in the conflict in the Republic of Bosnia and Herzegovina, for which those who commit them are personally responsible. In this context it calls for the full implementation of the agreement on the release of detainees contained in the 8 June 1994 agreement concluded at Geneva. It calls for the early release of all detainees and, to this end, calls for the delegates of the International Committee of the Red

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<sup>247</sup> S/1994/800.

<sup>248</sup> S/1994/1023.

<sup>249</sup> S/PRST/1994/50.

Cross to be granted access in particular to all detainees in Lopare and other parts of the Bijeljina area.

"The Council reaffirms the importance it attaches to the right of freedom of movement throughout the Republic of Bosnia and Herzegovina of the United Nations Protection Force. It notes with dismay that the Bosnian Serb party has not allowed the Special Representative of the Secretary-General for the Former Yugoslavia to visit Banja Luka, Bijeljina and other areas of concern, and strongly urges it to permit such access both to the Special Representative and to the Force. It also expresses its concern about continuing restrictions on access to Sarajevo, in particular the closure by the Bosnian Serb party of the routes across the airport opened in cooperation with the Force following the 17 March 1994 agreement."

**Decisions** of 23 September 1994 (3428<sup>th</sup> meeting): resolutions 941, 942 and 943 (1994)

At its 3428<sup>th</sup> meeting, on 23 September 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Bangladesh, Bosnia and Herzegovina, Canada, Croatia, Egypt, Germany, Indonesia, the Islamic Republic of Iran, Jordan, Malaysia, Senegal, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item. The President (Spain) then drew the attention of the Council members to the text of three draft resolutions: the first draft resolution<sup>250</sup> had been prepared in the course of the Council's prior consultations; the second draft resolution<sup>251</sup> had been submitted by Argentina, the Czech Republic, Djibouti, France, Germany, Nigeria, Oman, Pakistan, the Russian Federation, Rwanda, Spain, the United Kingdom and the United States; and the third draft resolution<sup>252</sup> had been submitted by the Czech Republic, France, Germany, the Russian Federation, Spain, the United Kingdom and the

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<sup>250</sup> S/1994/1083.

<sup>251</sup> S/1994/1084.

<sup>252</sup> S/1994/1085.

United States. The President also drew the attention of the Council members to several other documents.<sup>253</sup>

At the meeting, the representative of Bosnia and Herzegovina noted that his delegation had “mixed views” on the three draft resolutions before the Council. While his delegation supported the first draft resolution addressing the crimes of ethnic cleansing being perpetrated in Serb-occupied areas of Bosnia and Herzegovina, it wondered why it had taken in excess of three months to bring that draft to a vote and why the text had been so watered down as to diminish the commitment of UNPROFOR to deploy in the places where ethnic cleansing had been executed. Concerning the second draft resolution on the tightening of sanctions against the Bosnia Serbs, his delegation supported it spirit but questioned the effectiveness of such measure in securing the desired objectives, especially the reversal of the consequences of aggression and ethnic cleansing. Regarding the third draft resolution on easing the sanctions against Serbia and Montenegro, Bosnia and Herzegovina was opposed to it for it sought to reward those who had been complicit in crimes and war-making, without assisting the victim to confront ongoing crimes and aggression, therefore lacking balance. Furthermore, the draft undermined the necessary improvements in human rights standards within Kosovo, Vojvodino and Sandjak, and did not address the ongoing occupation of Croatia. It also sought to reward Serbia and Montenegro for a set of “self-designed measures of self-policing”, and Serbia and Montenegro had not been required to endorse the Contact Group peace plan by

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<sup>253</sup> S/1994/1037, 1038, 1046, 1056 and 1087, letters dated 7, 12, 14 and 22 September 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/1040 and 1072, letters dated 9 and 19 September 1994, respectively, from the representative of Croatia addressed to the President of the Security Council; S/1994/1044 and 1079, letters dated 8 and 21 September 1994, respectively, from the Deputy representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/1052 and 1062, letters dated 14 and 16 September, respectively, from the representative of Croatia addressed to the Secretary-General; S/1994/1055, letter dated 9 September 1994 from the representative of Slovenia addressed to the President of the Security Council; S/1994/1060, letter dated 15 September 1994 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council; S/1994/1074, letter dated 19 September 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia Mission on the establishment and commencement of operations of an International Conference on the Former Yugoslavia Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro); S/1994/1075 and 1076, letters dated 19 and 20 September 1994, respectively, from the Chargé d'affaires a.i. of Yugoslavia addressed to the Secretary-General; S/1994/1081, letter dated 21 September 1994 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General; and S/1994/1088, letter dated 22 September 1994 from the representative of Pakistan addressed to the President of the Security Council.

recognizing Bosnia and Herzegovina within its own borders. The speaker also questioned the ability of the monitoring régime to monitor effectively the closure of the border between Bosnia and Herzegovina and Serbia and Montenegro. In conclusion, he urged members of the Council not to support the draft resolution.<sup>254</sup>

The representative of Croatia expressed his Government reservations on the draft resolution easing sanctions against the Federal Republic of Yugoslavia. He argued that the sanctions should only be suspended after the Council had received concrete and undisputed evidence of real progress on the ground, not only in Bosnia and Herzegovina, but also in Croatia. Furthermore, his delegation could not overlook the fact that the draft resolution might not follow the spirit of resolution 871 (1993), which linked the sanction regime imposed on the Federal Republic of Yugoslavia to the implementation of all relevant Council resolutions, including those relating to the United Nations peacekeeping plan for the Republic of Croatia. His Government would therefore support the suspension of the sanctions régime against the Federal Republic of Yugoslavia only if there was real progress on the ground in relation to the implementation of resolution 871 (1993). An essential first step would be the recognition by the Federal Republic of Yugoslavia of the new States on the territory of the former Yugoslavia, within their internationally recognized borders. Should the Council adopt the draft resolution, however, the monitoring Mission of the ICFY, which was operating with meager resources, would become very important. He warned that the Mission should not be used to satisfy short-term political goals.<sup>255</sup>

The representative of Germany, speaking on behalf of the EU, stated that the adoption of the three draft resolutions would constitute an important step in the international peace effort and would convey an unequivocal message to the Bosnian Serbs. Firstly, the European Union condemned “the ethnic cleansing” which the Bosnian Serbs had systematically carried out in the areas they occupied and reemphasized the importance of the work of the International Tribunal for the former Yugoslavia.

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<sup>254</sup> S/PV.3428, pp. 3-5.

<sup>255</sup> *Ibid.*, pp. 5-6.

Secondly, the Bosnian Serbs must realize that they would remain totally isolated as long as they blocked the peace process and continue the abhorrent practice of “ethnic cleansing.” The European Union therefore welcomed the tightening of sanctions as a means to increase the pressure on the Bosnian Serbs to accept the territorial proposal submitted by the Contact Group. Thirdly, concerning the suspension of certain sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), the EU was united in the view that the decision of President Milosevic to close the border deserved a positive reaction from the international community. Thus through the adoption of the three draft resolutions, the Council would emphasize that those who choose the course of peace would receive its support and those who persisted in rejecting peace and embracing war would be isolated and prosecuted.<sup>256</sup>

The representative of Turkey noted that his delegation considered both the first draft resolution, on ethnic cleansing, and the second draft resolution, on strengthening sanctions against the Bosnian Serbs, to be timely steps and believed that they should both be adopted immediately and implemented effectively. Turkey had serious doubts, however, about the timing and content of the third draft resolution, relaxing sanctions against Serbia and Montenegro, as it was necessary to verify Serbia’s claim that it had closed its border with Bosnia and Herzegovina. Moreover, the conclusion of the Mission of the International Conference on the Former Yugoslavia was in direct contradiction with independent reports suggesting that there had been continuing unauthorized helicopter flights between Serbia and Montenegro and the Serbian-held areas of Bosnia and Herzegovina. Turkey had appealed to the President of the Security Council to postpone consideration of the draft resolution in order to allow a comprehensive investigation into that matter. Regrettably, that request had not been considered favourably. The speaker argued that the easing of sanctions at that time would send the wrong signal to the aggressor and would undermine the peace process. Meanwhile, Bosnia and Herzegovina, which had accepted the Contact Group peace plan in good faith, was awaiting the fulfilment of the promises made by the Contact Group, including true

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<sup>256</sup> *Ibid.*, pp. 11-12.

and effective border-monitoring, measures in response to the “strangulation” of Sarajevo, the expansion of exclusion zones, and the lifting of the arms embargo on Bosnia and Herzegovina. Before concluding, the speaker urged the Serbian side to stop its genocidal campaign to consolidate its territorial gains and to accept the peace plan. If it failed to do so, then the Government of Bosnia and Herzegovina should be provided with all means necessary to exercise its inherent right to self-defence.<sup>257</sup>

Mr. Djokic noted that the decision to partially suspend the existing sanctions, whilst it represented an important shift in attitude towards Yugoslavia, did not constitute an adequate response to the constructive role played by the Federal Republic of Yugoslavia in the search for a solution to the crisis in Bosnia and Herzegovina. What was really needed was the complete lifting of all sanctions and it was unfortunate therefore that the conditions were set for the ultimate and absolute lifting of all sanctions exclusively in the function of maintaining political pressure. The Federal Republic of Yugoslavia expected that, with the adoption of the draft resolution relaxing the sanctions, the process of lifting all sanctions would gather momentum and the legitimate rights of the Federal Republic of Yugoslavia in the United Nations and other international organizations would soon be restored so that it could be fully reintegrated into the international community.<sup>258</sup>

During the debate several speakers questioned the appropriateness of a decision easing sanctions against the Former Republic of Yugoslavia, raising doubts about the credibility of the claims by the Belgrade authorities regarding the closure of their borders with the territories occupied by the Bosnian Serbs, in the absence of an effective monitoring mechanism. They argued that before adopting such decision, the Council should ensure that Serbia and Montenegro take a number of steps including, its recognition of Bosnia and Herzegovina within its current borders, its cooperation with the International Tribunal, and its acceptance of the designation of 51 percent of the territory allocated to the Muslim Croat federation as safe area, and the lifting of the Sarajevo

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<sup>257</sup> *Ibid.*, pp. 13-14.

<sup>258</sup> *Ibid.*, pp. 14-17.

siege. Instead of easing the sanctions, the Security Council should enforce the implementation of its earlier resolutions, and enable the Government of Bosnia and Herzegovina to exercise its right of self-defence by lifting the arms embargo imposed against it.<sup>259</sup>

Other speakers, however, supported the easing of sanctions as a way of acknowledging the positive reaction by the Belgrade authorities to the peace plan put forward by the Contact Group and their decision to close their borders, arguing that it was a measure that could be reversed if Serbia and Montenegro violated its commitments.<sup>260</sup>

Speaking before the vote, the representative of Djibouti was of the view that some crucial issues ought to have been addressed before embarking on the exercise of easing sanctions such as the military and humanitarian imbalance in the conflict, the recognition by the FRY of Bosnia within its current borders, the cooperation of the FRY with the International Tribunal, the protection of Bosnia's safe area and the end of the siege of Sarajevo. His delegation therefore found it very difficult to support any draft resolution calling for the partial lifting of sanctions at that moment.<sup>261</sup>

The representative of China stated that his delegation would vote in favour of the draft resolutions condemning violations of international humanitarian law and suspending aspects of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), as both draft resolutions reflected China's basic position on those questions. He reiterated, however, that his country, in principle, was not in favour of using sanctions or mandatory measures to resolve the conflict in the former Yugoslavia. All efforts should be made to resolve the conflict peacefully. The speaker argued that instead of bringing the war to an end, the use of sanctions or mandatory measures had brought enormous suffering to the countries and people of the region, and had inflicted tremendous losses on the economies of those third countries that had implemented the

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<sup>259</sup> *Ibid.*, Bosnia and Herzegovina, pp. 3-5; Croatia, pp. 5-6; Malaysia, pp. 6-8; Iran, pp. 8-9; Senegal, pp. 9-10; Albania, pp. 10-11; Egypt, pp. 12-13; Turkey, pp. 13-14; Jordan, pp. 18-20; Afghanistan, pp. 20-21; Bangladesh, p. 21; Tunisia, p. 22.

<sup>260</sup> *Ibid.*, Germany (on behalf of the EU), pp. 11-12; Canada, pp. 17-18.

<sup>261</sup> *Ibid.*, pp. 22-23.

sanctions, in particular the States neighbouring the Federal Republic of Yugoslavia. Therefore, on the basis of that principled position, China would abstain on the draft resolution tightening sanctions against the Bosnian Serbs.<sup>262</sup>

The representative of Pakistan stated that his delegation was not prepared to consider even the partial lifting of sanctions against the Federal Republic of Yugoslavia unless and until the consequences of its aggression in Bosnia and Herzegovina were reversed and territories occupied by force surrendered. Easing the sanctions in the current circumstances was tantamount to appeasing and rewarding the aggressor and would undermine the peace process, sacrificing the principles of justice and equity enshrined in the United Nations Charter. Furthermore, his delegation considered the timing for the submission of the draft resolution to be most inopportune, inappropriate and premature. Pakistan would therefore vote against the draft relaxing the sanctions.<sup>263</sup>

The representative of Rwanda expressed his delegation's support for the draft resolutions on ethnic cleansing and on strengthening the sanctions against the Bosnian Serbs. While his delegation had no quarrel with the content of the draft resolution relaxing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), it believed that its adoption would not be opportune, because developments on the ground clashed with the Rwandan Government policy with regard to the universal principles of human rights, and because previous Council resolutions had not been implemented. His delegation would therefore abstain in the voting of that draft resolution.<sup>264</sup>

The first draft resolution<sup>265</sup> was then put to the vote and was adopted unanimously as resolution 941 (1994). The resolution reads as follows:

*The Security Council,*

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<sup>262</sup> *Ibid.*, pp. 23-24.

<sup>263</sup> *Ibid.*, pp. 26-27.

<sup>264</sup> *Ibid.*, p. 27.

<sup>265</sup> S/1994/1083.



*Recalling* all its earlier relevant resolutions,

*Reaffirming* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Taking note* of the information provided by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross and that contained in other relevant reports, particularly regarding grave violations of international humanitarian law affecting the non-Serb population in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

*Gravely concerned* at the persistent and systematic campaign of terror perpetrated by the Bosnian Serb forces in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as described in paragraphs 5 to 79 of the above-mentioned report,

*Emphasizing* that this practice of ethnic cleansing by the Bosnian Serb forces constitutes a clear violation of international humanitarian law and poses a serious threat to the peace effort,

*Expressing its deep concern* over the continued denial by Bosnian Serb forces of prompt and unimpeded access to the Special Representative of the Secretary-General for the Former Yugoslavia and the United Nations Protection Force to Banja Luka, Bijeljina and other areas under Bosnian Serb control as demanded by the Security Council in its presidential statement of 2 September 1994,

*Recognizing* that the International Tribunal has jurisdiction over serious violations of international humanitarian law committed in the territory of the Former Yugoslavia and that the Council remains committed to its previous resolutions on the importance of cooperation with the Tribunal,

*Determined* to put an end to the abhorrent and systematic practice of ethnic cleansing wherever it occurs and by whomsoever it is committed,

*Determining* that the situation in the Republic of Bosnia and Herzegovina continues to constitute a threat to international peace and security, reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949;

2. *Strongly condemns* all violations of international humanitarian law, including in particular the unacceptable practice of ethnic cleansing perpetrated in Banja Luka, Bijeljina and other areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and reaffirms that those who have committed or have ordered the commission of such acts will be held individually responsible in respect of such acts;

3. *Reaffirms its support* for the established principles that all declarations and actions made under duress, particularly those regarding land and ownership, are null and void, and that all displaced persons should be enabled to return in peace to their Former homes;

4. *Demands* that the Bosnian Serb authorities immediately cease their campaign of ethnic cleansing;

5. *Demands* that the Bosnian Serb party accord the Special Representative of the Secretary-General, the United Nations Protection Force, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross immediate and unimpeded access to Banja Luka, Bijeljina and other areas of concern;

6. *Requests* the Secretary-General to arrange, when conditions permit, the deployment of troops of the Force and United Nations monitors to Banja Luka, Bijeljina and other areas of concern and to intensify his efforts in this regard;

7. *Also requests* the Secretary-General to report urgently to the Council on the implementation of the present resolution;

8. *Determines* to consider any further steps that it may deem necessary;

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

The second draft resolution<sup>266</sup> was then put to the vote and was adopted by 14 votes to none, with 1 abstention (China) as resolution 942 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions,

*Affirming its commitment* to a negotiated settlement of the conflict in the Former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

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<sup>266</sup> S/1994/1084.

*Expressing appreciation* for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

*Reaffirming* the need for a lasting peace settlement to be signed by all the Bosnian parties and implemented in good faith by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement,

*Viewing* the measures imposed by the present resolution and by its previous relevant resolutions as a means towards the end of producing a negotiated settlement to the conflict,

*Expressing its support* for the continuing efforts of Member States, in particular States in the region, to implement its relevant resolutions,

*Determining* that the situation in the Former Yugoslavia continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

#### A

1. *Expresses its approval* of the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties as part of an overall peace settlement;

2. *Expresses its satisfaction* that the proposed territorial settlement has now been accepted in full by all except the Bosnian Serb party;

3. *Strongly condemns* the Bosnian Serb party for its refusal to accept the proposed territorial settlement, and demands that that party accept this settlement unconditionally and in full;

4. *Requires* all parties to continue to observe the cease-fire as agreed on 8 June 1994 and to refrain from all new acts of hostility;

5. *Declares its readiness* to take all measures necessary to assist the parties to give effect to the proposed settlement once it has been accepted by all parties, and in this connection encourages States, acting nationally or through regional agencies or arrangements, to cooperate in an effective manner with the Secretary-General in his efforts to aid the parties to implement the proposed settlement;

#### B

*Resolved* to reinforce and extend the measures imposed by its previous resolutions with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

6. *Calls upon* States to desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full;

7. *Decides* that States shall prevent:

(i) Economic activities carried on, after the date of adoption of the present resolution, within their territories by any entity, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by:

(a) Any person in, or resident in, or any entity, including any commercial, industrial or public utility undertaking, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(b) Any entity incorporated in or constituted under the law of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as well as

(ii) Economic activities carried on, after the date of adoption of the present resolution, within their territories, by any person or entity, including those identified by States for the purpose of the present resolution, found to be acting for or on behalf of and to the benefit of any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or any entity identified in subparagraph (i) above, provided that:

(a) States may authorize such activities to be carried on within their territories, having satisfied themselves on a case-by-case basis that the activities do not result in the transfer of property or interests in property to any person or entity described in subparagraph (i) (a) or (b) above;

(b) Nothing in this paragraph shall prevent the provision of supplies intended strictly for medical purposes and foodstuffs notified to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia, or commodities and products for essential humanitarian needs approved by the Committee;

8. *Decides* that States shall revoke existing, and issue no further, authorization under paragraph 7 above in respect of any person or entity violating the measures imposed by the present resolution or violating the measures imposed by earlier relevant resolutions, where those violations have occurred after the date of adoption of the present resolution;

9. *Decides* that States shall consider the term "economic activities" used in paragraph 7 above to mean:

(a) All activities of an economic nature, including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property or interests in property;

(b) The exercise of rights relating to property or interests in property;

(c) The establishment of any new entity or change in management of an existing entity;

10. *Decides* that States shall consider the term "property or interests in property" used in paragraphs 7 and 9 above to mean funds, financial, tangible and intangible assets, property rights and publicly and privately traded securities and debt instruments and any other financial and economic resources;

11. *Decides* that States in which there are funds or other financial assets or resources of:

(i) Any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(ii) Any entity identified in paragraph 7 (i) above or any person or entity identified in paragraph 7 (ii) above,

shall require all persons and entities within their territories holding such funds or other financial assets or resources to freeze them to ensure that neither they nor any other funds or any other financial assets or resources are made available directly or indirectly to or for the benefit of any of the above-mentioned persons or entities, except:

(a) Payments made in connection with activities authorized in accordance with paragraph 7 above, or

(b) Payments made in connection with transactions authorized by the Government of the Republic of Bosnia and Herzegovina with regard to persons or entities within its territory, provided that States are satisfied that payments to persons outside their territories will be used for the purpose or in connection with the activities and transactions for which permission is sought, and that in the case of payments made under exception (a) above, States may authorize such payments only after they are satisfied on a case-by-case basis that the payments do not result in the transfer of funds or other financial assets or resources to any person or entity described in subparagraph (a) or (b) of paragraph 7 (i) above;

12. *Decides* that States shall ensure that all payments of dividends, interest or other income on shares, interest, bonds or debt obligations or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with, tangible and intangible assets and property rights, accruing to:

(i) Any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(ii) Any entity identified in paragraph 7 (i) or any person or entity identified in paragraph 7 (ii) above, are made only into frozen accounts;

13. *Decides* that the provision of services, both financial and non-financial, to any person or body for the purposes of any business carried on in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces shall be prohibited, the only exceptions being (a) telecommunications, postal services and legal services consistent with the present resolution and earlier relevant resolutions, (b) services whose supply may be necessary for humanitarian or other exceptional purposes, as approved on a case-by-case basis by the Committee established pursuant to resolution 724 (1991), and (c) services authorized by the Government of the Republic of Bosnia and Herzegovina;

14. *Decides* that States shall prevent the entry into their territories of:

(a) The members of the authorities, including legislative authorities, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and officers of the Bosnian Serb military and paramilitary forces, and those acting on behalf of such authorities or forces;

(b) Persons found, after the adoption of the present resolution, to have provided financial, material, logistical, military or other tangible support to Bosnian Serb forces in violation of relevant resolutions of the Council;

(c) Persons in or resident in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces found to have violated or contributed to the violation of the measures set out in resolution 820 (1993) of 17 April 1993 and in the present resolution, and requests that the Committee established pursuant to resolution 724 (1991) establish and maintain an updated list, based on information provided by States and competent regional organizations, of the persons falling within this paragraph, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals; and provided that the entry of a person included in the list into a particular State on a specified date may be authorized, for purposes consistent with the pursuit of the peace process and with the present resolution and earlier relevant resolutions, by the Committee or, in the event of disagreement in the Committee, by the Council;

15. *Decides* to prohibit all commercial riverine traffic from entering ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces except when authorized on a case-by-case basis by the Committee established pursuant to resolution

724 (1991), or by the Government of the Republic of Bosnia and Herzegovina for its territory, or in case of *force majeure*;

16. *Decides* that States shall require that all shipments of commodities and products destined for those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces be properly manifested and either be physically inspected by the Sanctions Assistance Missions or the competent national authorities at loading to verify and seal their contents or be laden in a manner which permits adequate physical verification of the contents;

17. *Decides* that States shall, in notifying or submitting applications to the Committee established pursuant to resolution 724 (1991) in respect of supplies intended strictly for medical purposes and foodstuffs and essential humanitarian supplies in respect of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, report for information purposes to the Committee on the source of funds from which payment is to be made;

18. *Decides* that States shall, in implementing the measures imposed by the present resolution, take steps to prevent the diversion of benefits to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces from other places, in particular from the United Nations Protected Areas in Croatia;

19. *Requests* the Secretary-General to provide the necessary assistance to the Committee established pursuant to resolution 724 (1991) and to make the necessary arrangements in the Secretariat for that purpose;

20. *Decides* that the provisions set forth in the present resolution do not apply to activities related to the United Nations Protection Force, the International Conference on the Former Yugoslavia or the European Community Monitoring Missions;

21. *Decides* to review the measures imposed by the present resolution whenever appropriate and in any event every four months from the date of adoption of the present resolution, and expresses its readiness to reconsider those measures if the Bosnian Serb party accepts the proposed territorial settlement unconditionally and in full;

22. *Decides* to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council.

The third draft resolution<sup>267</sup> was thereafter put to the vote and was adopted by 11 votes in favour, 2 against (Djibouti, Pakistan), and 2 abstentions (Nigeria, Rwanda), as resolution 943 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions,

*Affirming its commitment* to a negotiated settlement of the conflict in the Former Yugoslavia, preserving the territorial integrity of all the States there within their internationally recognized borders,

*Expressing its appreciation* for the efforts of the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

*Welcoming* the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to support the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties,

*Also welcoming* the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to close the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

*Further welcoming* the decision by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to invite international assistance with regard to the passage of supplies for essential humanitarian needs through the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina,

*Noting* in this regard the letter dated 19 September 1994 from the Secretary-General addressed to the President of the Security Council, conveying a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the establishment and commencement of operations on a mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Calling upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to maintain the effective closure of the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with

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<sup>267</sup> S/1994/1085.



respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs;

*Noting* that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that:

(i) The restrictions imposed by paragraph 7 of resolution 757 (1992), paragraph 24 of resolution 820 (1993) with regard to aircraft which are not impounded at the date of adoption of the present resolution and by other relevant resolutions which relate to the provision of goods and services, with respect to all civilian passenger flights to and from the Belgrade airport carrying only passengers and personal effects and no cargo unless authorized under the procedures of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia;

(ii) The restrictions imposed by paragraphs 24 and 28 of resolution 820 (1993) and by other relevant resolutions which relate to the provision of goods and services, with respect to the ferry service between Bar in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bari in Italy carrying only passengers and personal effects and no cargo unless authorized under the procedures of the Committee established pursuant to resolution 724 (1991);

(iii) The measures imposed by paragraph 8 (b) and (c) of resolution 757 (1992) concerning participation in sporting events and cultural exchanges,

shall be suspended for an initial period of one hundred days from the day following the receipt by the Security Council of a report from the Secretary-General that the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and that arrangements are in place pursuant to the decision of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to invite international assistance with regard to the passage of supplies for essential humanitarian needs through that border;

2. *Invites* the Committee established pursuant to resolution 724 (1991) to adopt appropriate streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. *Requests* that every thirty days the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and further requests the Secretary-General to report to the Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, that those authorities are not effectively implementing their decision to close the border;

4. *Decides* that if at any time the Secretary-General reports that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not effectively implementing their decision to close the border, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

5. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the Russian Federation stressed the importance of operative paragraph 5 of resolution 943 (1994), which provided that the Council would consider further steps to ease the sanctions in light of further progress in the situation. Concerning resolution 942 (1994), tightening sanctions against the Bosnian Serbs, the speaker stated that the purpose of that resolution was to make the Bosnian Serbs recognize that there was no alternative to a political solution. He further stated that his country deemed the policy of “ethnic cleansing” to be repugnant and demanded its immediate cessation. Accordingly, his delegation had supported the adoption of the resolution that condemned the policy conducted by the Bosnian Serbs and noted, in particular, the provision of the resolution that condemned any “ethnic cleansing” of whatever origin, and whoever might perpetrate it. The Russian Federation also deemed important the provisions contained in the resolutions adopted on the commitment to a

settlement of the conflict in the former Yugoslavia through negotiation, while maintaining the territorial integrity of all States there within the confines of their internationally recognized borders.<sup>268</sup>

The representative of the United States noted that the resolutions just adopted aimed to pressure the Bosnian Serbs and to demonstrate the Council's determination to use "both carrots and sticks" to move the parties towards a negotiated settlement. In preparing to ease sanctions against the Federal Republic of Yugoslavia, the Council was acknowledging that its Government had taken an important step to persuade the Bosnian Serbs to accept the negotiated settlement. The United States continued to believe that Belgrade bore primary responsibility for events in the former Yugoslavia over the preceding three years. While it welcomed the first indications that the Federal Republic of Yugoslavia might have changed course, it would insist that that country comply with its commitment to keep the border closed. The suspended sanctions would come into effect, without the need for further Council action, if at any time the international Mission was no longer able to confirm the border closure. The Government of the Federal Republic of Yugoslavia should not doubt the will of the United States to cancel the suspension of the sanctions if it believed that the border had been reopened. The people of Serbia and Montenegro should also understand that further concrete steps towards peace would lead to additional easing of sanctions. The United States urged Belgrade to recognize Croatia and Bosnia within their internationally recognized borders, and to use its influence with the Croatian Serbs to push them towards a settlement consistent with Croatia's territorial integrity. It would also insist that the Federal Republic of Yugoslavia not be allowed to rejoin the family of nations until it was in compliance with all relevant Council resolutions. Belgrade should understand that a decision to choose conflict would stop limited sanctions relief and would lead to the adoption of even tougher measures. Referring to resolution 941 (1994), the speaker noted that the condemnation of ethnic cleansing was an integral part of efforts to end the conflict.<sup>269</sup>

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<sup>268</sup> *Ibid.*, pp. 30-31.

<sup>269</sup> *Ibid.*, pp. 33-34.

The representative of Nigeria observed that it was appropriate that resolution 941 (1994) had been adopted under Chapter VII, for the Council could not be indifferent to grave violations of international humanitarian law. Referring to resolution 942 (1994), the speaker stated that the Bosnian Serb leadership must be made to realize that the only way to join other members of the international community was to accept a negotiated settlement. Nigeria called on the members of the international community, especially neighbouring States and the Federal Republic of Yugoslavia (Serbia and Montenegro), to discharge their obligations under that resolution in order to ensure a complete and total isolation of the Bosnian Serb political and military leadership. Referring to resolution 943 (1994), the speaker noted that his delegation was uneasy with the loosening of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), primarily due to its timing. If the Council had considered the draft resolution on easing the sanctions after it had received a report from the Secretary-General that the border was being effectively closed, then some of Nigeria's concerns would have been addressed. The Council's decision to loosen sanctions when nothing had changed on the ground, however, might give the wrong impression. In addition, a fundamental condition for the easing of the sanctions should have been an immediate and explicit recognition of Bosnia and Herzegovina within its internationally recognized borders. Nigeria had therefore abstained in the vote on resolution 943 (1994).<sup>270</sup>

The representative of Oman stated that, despite the positions of both the OIC and the Non-Aligned Group which advocated that submitting resolution 943 (1994) at that stage was premature, his delegation had voted in favour of resolution 943 (1994) in deference to the wishes of the majority of members of the Council, and in the hope that the resolution would help to resolve the situation in Bosnia and Herzegovina. Nevertheless, it stressed that the lifting of the sanctions must be subject to a "trial period", in order to gauge the peaceful intentions of the Federal Republic of Yugoslavia (Serbia and Montenegro). Should there be no concrete progress, then the measures in the

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<sup>270</sup> *Ibid.*, pp. 34-36.

resolution would become null and void and the situation would revert to its earlier status.<sup>271</sup>

**Decision** of 30 September 1994 (3433<sup>rd</sup> meeting): statement by the President

At its 3433<sup>rd</sup> meeting, on 30 September 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. 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 (Spain) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>272</sup> on behalf of the Council:

"The Security Council is deeply concerned at the deteriorating security situation in the safe area of Sarajevo and elsewhere in Bosnia and Herzegovina, which has included increased levels of armed violence, deliberate attacks on United Nations Protection Force troops and on humanitarian flights, severe restrictions on public utilities and continued restriction of the flow of transport and communications. It notes that normal life has not been fully restored to Sarajevo, as called for in its resolution 900 (1994) of 4 March 1994.

"The Council expresses concern at the deliberate interruptions of utilities and communications to the civilian population in Sarajevo, as well as the extended period of closure of the Sarajevo airport to humanitarian flights and of the route across that airport opened in cooperation with the Force following the agreement of 17 March 1994, as a result of the actions by the Bosnian Serb party. The Council calls upon the Bosnian Serb party not to interfere with the normal functioning of the Sarajevo airport. It further calls upon the Bosnian Serb party to cooperate with efforts to restore fully the flow of gas and electricity to Sarajevo, to reopen all land routes to Sarajevo and, now and in the future, to refrain from impeding the normal operations of these and all other utilities and means of communication and transport. It calls upon all parties not to interfere with the supply of gas or electricity to the civilian population. It reiterates its call to all parties, with the assistance of the United Nations, to achieve complete freedom of movement for the civilian population and for

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<sup>271</sup> *Ibid.*, pp. 37-39.

<sup>272</sup> S/PRST/1994/57.

humanitarian goods to, from and within Sarajevo, to remove any hindrance to such freedom of movement and to help restore normal life to the city.

"The Council condemns in particular the deliberate attack on 22 September 1994 on troops of the Force in Sarajevo, just one of a number of attacks which clearly suggest a deliberate pattern. The Council also notes with alarm, and condemns without reservation, the reported statements of the Bosnian Serb leadership that the Bosnian Serb party would target activities of the Force in retaliation for the passage of a Council resolution tightening sanctions against the Bosnian Serbs. It warns the Bosnian Serb leadership against any retaliatory action, whether against the Force or any other party and in that context welcomes efforts to support troops of the Force.

"The Council fully supports the efforts of the Force to assure compliance with measures designed by the international community to improve conditions in Sarajevo. It advises both parties, in particular the Bosnian Serbs, to comply with those measures.

"The Council strongly condemns any provocative actions in Sarajevo and elsewhere in Bosnia and Herzegovina by whomsoever committed, and demands immediate cessation of such actions.

"The Council encourages the Special Representative of the Secretary-General for the Former Yugoslavia and the Force to explore as a matter of priority proposals for the demilitarization of Sarajevo.

"The Council affirms its determination to remain seized of the matter."

#### **Consideration of the item** at the 3454<sup>th</sup> meeting (8-9 November 1994)

By a letter<sup>273</sup> dated 3 November 1994 addressed to the President of the Security Council, the representative of Pakistan requested an urgent meeting of the Security Council to consider the situation in Bosnia and Herzegovina in light of resolution 49/10, which had been adopted by the General Assembly on the same date.

At its 3454<sup>th</sup> meeting held on 8 and 9 November 1994, the Council included the above letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Afghanistan, Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Cambodia, Canada, Croatia, Ecuador, Egypt, Germany, Guinea-Bissau, Honduras, Indonesia, Iran, Jordan, Latvia, Malaysia, Morocco,

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<sup>273</sup> S/1994/1248.

Nicaragua, Norway, the Republic of Korea, Romania, Senegal, Slovenia, the Sudan, Thailand, Tunisia and Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of its consideration of the item and it extended an invitation to Mr. Engin Ahmet Ansay, Permanent Observer of the Organization of the Islamic Conference to the United Nations.

At the meeting, the representative of Pakistan, also speaking as the Chairman of the OIC Contact Group, noted that the OIC Foreign Ministers at the Seventh Extraordinary Session, held at Islamabad from 7 to 9 September 1994, had reiterated the inapplicability of the arms embargo imposed by resolution 713 (1991) to Bosnia and Herzegovina and Croatia, and had called upon the Security Council to confirm that position. They had further noted that should the Council not confirm that position, then the OIC membership, along with other States Member of the United Nations, would conclude that members acting individually or collectively could provide the means of self-defence to the Government of Bosnia and Herzegovina. As far as Pakistan was concerned, it had consistently advocated that the inherent right of the Bosnian people to self-defence under Article 51 of the Charter should be restored without delay. In that context, Pakistan welcomed the United States' recent initiative to lift the arms embargo and would extend its support to the early adoption of the draft resolution. At the same time, measures should be adopted by the Council to declare the entire 51 per cent of the territory allocated to the Muslim-Croat Federation a "safe area". The Council should also respond effectively to any further violations of its resolutions, particularly those concerning safe areas, by the use of force and air strikes.<sup>274</sup>

The representative of France stated that the international community would now be pursuing its efforts to overcome the obstinacy of the Bosnian Serbs, who had rejected the peace plan presented by the Contact Group, and to encourage those who had approved it to work towards an overall settlement. In that regard, Belgrade was expected to recognize Bosnia and Herzegovina, to continue its support for the plan of the Contact Group, and to

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<sup>274</sup> S/PV.3454, pp. 2-4.

have no political and economic relations with the Bosnian Serbs, and to approve the plan of the International Conference on the Former Yugoslavia. With respect to the Bosnian Serbs, there were two ways to bring them to accept the Contact Group's plan, through continued strict political and economic isolation or by confirming that the various communities would enjoy equal rights with regard to the constitution. Addressing the question of lifting the arms embargo against Bosnia and Herzegovina, the speaker cautioned that if the embargo were lifted, diplomatic efforts would be jeopardized. In addition, UNPROFOR would be exposed to the consequences of offensive military action and reprisals. Such a measure would lead to withdrawal, which would mean the end of assistance and protection for many peoples. Moreover, a lifting of the arms embargo would intensify tensions between the communities of Bosnia and Herzegovina and the successor countries of the former Yugoslavia.<sup>275</sup>

The representative of the Russian Federation expressed concern at reports that the present military escalation in Bosnia had resulted from continued deliveries of arms to the Bosnian Government troops, in violation of resolution 713 (1993). Particularly alarming had been the use of the safe areas by those same troops to carry out attacks. The Russian Federation called on the Bosnian Government and all parties to reject attempts to solve the problem by military means. In addition, it was necessary to introduce certain changes into the concept and regime of the safe areas, taking into account the Secretary-General's recommendations contained in his report of 9 May 1994. Referring to the question of lifting the embargo, the speaker expressed the belief that such a step would be an extreme measure and should be considered only after all political means had been exhausted. He argued that lifting the embargo would have negative consequences for the political process, for the continued provision of humanitarian assistance, and for the activities of UNPROFOR.<sup>276</sup>

The representative of the United Kingdom stated that the continued intransigence of the Bosnian Serbs represented by far the greatest obstacle on the path to peace in

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<sup>275</sup> *Ibid.*, pp. 4-6.

<sup>276</sup> *Ibid.*, pp. 6-7.



Bosnia. But the new readiness of Belgrade to back the Contact's Group efforts and to isolate the Bosnian Serbs also offered an opportunity. What was asked from Belgrade was that it took significant steps and recognized Croatia and Bosnia, maintained its support for the Contact Group plan, continued its embargo against the Bosnian Serbs and threw its weight behind a peace plan for Croatia as well. The speaker further warned that the progress achieved so far in the quest for peace would be endangered if the arms embargo were to be lifted. The United Kingdom therefore could not support the draft resolution before the Council.<sup>277</sup>

The representative of Senegal argued that the conflict in Bosnia and Herzegovina had shown that sanctions, however effective, would not be sufficient to stem the hostile inclinations of the aggressor. Senegal, therefore, believed that the adoption of the proposed draft resolution, lifting the arms embargo, could make a decisive contribution to restoring the balance of power. Referring to General Assembly resolution A/49/10, the speaker noted that the General Assembly had urged the Council to fulfil its responsibility under Article 24 of the Charter and to take appropriate steps to restore the sovereignty, political independence, territorial integrity and unity of Bosnia and Herzegovina. He noted that the measures proposed in the draft resolution before the Council came in response to a renewed appeal by the General Assembly, most of whose members were of the view that the non-application to the Bosnian and Croat parties of resolution 713 (1991) constituted not a potential threat of wider conflict, but an easing of a burden which had seriously hampered the ability of a Member of the United Nations to exercise its inherent right to individual and collective self-defence under Article 51 of the Charter. In conclusion, his delegation fully supported the draft resolution before the Council.<sup>278</sup>

The representative of Germany, speaking on behalf of the European Union, stated that Belgrade could significantly improve the prospects for a peaceful settlement by taking a number of steps, including recognizing Bosnia and Croatia within their internationally recognized borders, continuing to endorse the Contact Group plan,

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<sup>277</sup> *Ibid.*, pp. 7-9.

<sup>278</sup> *Ibid.*, pp. 16-17.

endorsing the ICFY plan for Croatia, and continuing to implement the sanctions against the Bosnian Serbs. Referring to the question of lifting the arms embargo, the speaker stated that such a step must remain a last resort, to be used only once all avenues for a political settlement had been exhausted.<sup>279</sup>

The representative of Slovenia recalled that the embargo was imposed on the former Yugoslavia back in 1991, when that former State still existed and had been extended to the successor States of the former Yugoslavia in a specific situation in 1992. Since that time almost everything had changed for each of the successor States and a debate which would take into account the new realities was long overdue. The speaker noted that while there were many reasons for keeping the arms embargo as a part of sanctions imposed by the Council, until the conditions for lifting these sanctions were fulfilled, there was a need to recognize the inapplicability of an arms embargo to those engaged in legitimate self-defence. The entire concept of collective security was based upon complementarity of self-defence and international action so as to provide effective protection of States' existence and their territorial integrity and political independence. He further contended that in the case of his country, there was no justification for continuing the arms embargo. Slovenia was not, and had never been, involved in an armed conflict that prompted the imposition of that arms embargo. Therefore, it would be not only appropriate, but necessary for the Council to declare that relevant paragraphs of resolutions 713 (1991), 724 (1991), 727 (1992) and 762 (1992) no longer applied.<sup>280</sup>

Referring to the question of lifting the arms embargo, the representative of the Republic of Korea stated that his delegation shared the apprehensions of those States who were concerned that lifting the embargo would aggravate the situation. For that reason, the Republic of Korea had abstained in the voting the previous year on General Assembly resolution 48/88. In the most recent vote, however, on resolution 49/10, the Republic of Korea had registered an affirmative vote, with the view that as the international community had failed to secure peace in the region, it had a moral and political obligation

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<sup>279</sup> *Ibid.*, pp. 19-20.

<sup>280</sup> *Ibid.*, pp. 22-24.

to respond to the legitimate concern of the Bosnian people for their very existence. His delegation noted that the draft resolution provided for the deferral of such lifting for a period of six months, which it believed to be a “judicious step”. It emphasized that the draft was not meant to lead to an intensified arms struggle in Bosnia, but to bring armed hostilities to an end. The international community must exert more pressure on the Bosnian Serbs, and the Republic of Korea believed that the prospect of lifting the arms embargo was the most persuasive weapon against “Serbian intransigence”.<sup>281</sup>

The representative of Croatia noted that the balance of power which was a prerequisite for a political settlement and for a just and lasting peace in Bosnia and Herzegovina, had not been achieved through the measures thus far taken by the international community. The Council must now plan for new mechanisms that would impose peace such as the lifting of arms embargo against the Federation of Bosnia and Herzegovina. The lifting of the arms embargo would be not a step towards war but a “leap towards peace”, moving the region towards a new, desirable balance. Referring to the situation in Croatia, the speaker welcomed the inclusion of a paragraph in the preamble of the draft resolution before the Council which called into question the continued application of the arms embargo against Croatia. The speaker argued that since the draft resolution deferred the lifting of the arms embargo for six months, it was only logical to make his Government, too, eligible for a lifting of the arms embargo in six months.<sup>282</sup>

Mr. Djokic argued that calls for lifting the arms embargo against the Bosnian Muslims and carrying out air strikes against the Bosnian Serbs could only lead to an escalation of the conflict. Noting that the effort to resolve the crisis had been ineffective so far, he contended that the urgent and unconditional lifting of all sanctions against the Federal Republic of Yugoslavia would create the conditions for the establishment of an early, just and lasting peace. Yugoslavia was ready to accept any solution agreed to by the warring parties, on the basis of full equality and respect for the legitimate rights of all

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<sup>281</sup> *Ibid.*, pp. 24-25.

<sup>282</sup> *Ibid.*, pp. 26-27.

three Bosnian peoples and it stood ready to recognize the former Yugoslav republics once all outstanding issues had been resolved. It was convinced that the Contact Group plan was the only viable way to end the crisis and establish a just and lasting solution and it called on all sides to cease immediately and unconditionally all military activities and to abide strictly by the cease-fire agreement.<sup>283</sup>

The representative of Bosnia and Herzegovina questioned what option was left to his country. If the choice were between retaining UNPROFOR and the lifting of arms embargo, then his country would choose the latter. The choice, however, might not be between one and the other. Rather, both options might be possible. His Government believed that UNPROFOR's efforts could be supplemented by measures that effectively allowed the Bosnians to defend themselves by the lifting of the arms embargo or, through an overall peacemaking process. Noting that his country had made many concessions in the past, the representative of Bosnia and Herzegovina believed that one more compromise had been made by asking the Council to lift the arms embargo and to defer the application of that decision for six months, to give the international community and the Contact Group a last opportunity to compel the Bosnian Serbs to accept the peace plan.<sup>284</sup>

The President, speaking in her capacity as representative of the United States, stated that her Government had presented a draft resolution that would lift the arms embargo after six months if the Bosnian Serbs had not yet agreed to a settlement. She argued that there were no grounds in justice or law for denying the Government of Bosnia the right to defend itself. Bosnia and Herzegovina had not attacked its neighbours, supported international terrorism or otherwise abused its responsibilities as a sovereign Power. The real question before the Council was whether it would at long last translate words into actions, for it was only bold action that could provide the pressure necessary to end the war. The speaker argued that, under the draft resolution, arms would not begin to flow into Bosnia for a period of six months. During that time, the capacity of the

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<sup>283</sup> *Ibid.*, pp. 31-34.

<sup>284</sup> *Ibid.*, pp. 36-43 (Resumption 1).

Bosnian Serbs to wage war could be limited through tighter sanctions. Moreover, the prospect that the embargo would be lifted if the Bosnian Serbs continued to reject the peace process should give them a “weighty” reason to accept the Contact Group’s proposed territorial arrangements. The United States was determined to proceed on a firm course. Debates in the Council and the General Assembly had indicated that a strong majority of the United Nations membership supported lifting the arms embargo against Bosnia.<sup>285</sup>

While several speakers<sup>286</sup> expressed support to the United States draft resolution on the lifting of the arms embargo and a number<sup>287</sup> of them called for the strengthening of UNPROFOR mandate, others<sup>288</sup> opposed the lifting or expressed doubts about it, arguing that it would lead to the disintegration of UNPROFOR and that efforts should focused on a political solution.

**Decision** of 13 November 1994 (3456<sup>th</sup> meeting): statement by the President

By a letter<sup>289</sup> dated 11 November 1994 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina transmitted a letter of the same date from the President of Bosnia and Herzegovina. In that letter, the President reported that the situation in and around the Bihac “safe area” continued to deteriorate, and that numerous attacks had been launched by rebel Serbs from the United Nations Protected

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<sup>285</sup> *Ibid.*, pp. 68-70 (Resumption 2).

<sup>286</sup> *Ibid.*, Pakistan, pp. 2-4; Oman, pp. 12-13; Senegal, pp. 16-17; Croatia, Malaysia, pp. 17-18; Turkey, pp. 18-19; Brunei Darussaleem, pp. 20-21; Afghanistan, pp. 21-22; Republic of Korea, pp. 24-25; Croatia, pp. 26-27; Bangladesh, pp. 27-28; Iran, pp. 29-30; Algeria, pp. 30-31; S/PV. 3454 (Resumption 1): Bosnia and Herzegovina, pp. 36-43; Jordan, pp. 44-46; Morocco, pp. 46-48; Egypt, pp. 48-50; Cambodia, pp. 51-52; Nicaragua, pp. 52-53; Albania, pp. 53-54; Indonesia, pp. 54-55; S/PV. 3454 (Resumption 2): Sudan, pp. 58-59; Tunisia, pp. 59-60; Guinea-Bissau, pp. 63-64; OIC, pp. 64-66; Thailand, p.66; Djibouti, pp. 67-68; the United States, pp. 68-70.

<sup>287</sup> *Ibid.*, Malaysia, pp. 17-18; Turkey, pp. 18-19; Bangladesh, pp. 27-28; S/PV. 3454 (Resumption 2): OIC, pp. 64-66.

<sup>288</sup> *Ibid.*, France, pp. 4-6; the Russian Federation, pp. 6-7; United Kingdom, pp. 7-9; Czech Republic, pp. 9-10; New Zealand, pp. 10-12; Brazil, pp. 13-14; Spain, pp. 14-15; Germany (on behalf of the European Union), pp. 19-20; RFY, pp. 31-34; S/P.V 3454 (Resumption 1): Norway (on behalf of the Nordic countries), pp. 43-44; Ecuador, p. 50; Honduras, p.56; S/PV. 3454 (Resumption 2): Canada, pp. 61-62; Bulgaria, pp. 62-63.

<sup>289</sup> S/1994/1283.

Areas (UNPAs), inflicting heavy casualties upon the civilian population. In view of the situation, he requested an emergency session of the Security Council.

By a letter<sup>290</sup> dated 12 November 1994 addressed to the President of the Security Council, the representative of Croatia transmitted a letter of the same date from the Deputy Prime Minister of Croatia. In that letter, the Deputy Prime Minister reported that the situation in the UNPAs and in Bosnia and Herzegovina had deteriorated to such an extent that it warranted decisive and immediate action by the Security Council, UNPROFOR and NATO, and requested that the Council, at an emergency session, review the overall situation in the area and consider the demands that had been elaborated in a letter<sup>291</sup> dated 11 November 1994 from the representative of Croatia addressed to the President of the Security Council. Those demands included: (a) the extension of the exclusion zone régime in the occupied parts of Croatian territory; and (b) the engagement of NATO forces in the occupied territories and the airspace of Croatia, whenever Security Council and General Assembly resolutions were being violated.

At its 3456<sup>th</sup> meeting, held on 13 November 1994 in response to the requests contained in the above letters, the Council included the letters in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the members of the Council to several documents<sup>292</sup> and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement<sup>293</sup> on behalf of the Council:

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<sup>290</sup> S/1994/1286.

<sup>291</sup> S/1994/1285.

<sup>292</sup> S/1994/1271, letter dated 9 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/1285, letter dated 11 November 1994 from the Chargé d'affaires a.i. of Croatia addressed to the President of the Security Council; and S/1994/1287, letter dated 12 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting a letter dated 11 November 1994 from the Minister of Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council.

<sup>293</sup> S/PRST/1994/66.

"The Security Council views with alarm the escalation in recent fighting in the Bihac area and the flow of refugees and displaced persons resulting from it. It strongly urges all parties and others concerned to refrain from all hostile actions and to exercise the utmost restraint.

"The Council condemns any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina. It demands that all parties and others concerned, in particular the so-called Krajina Serb forces, fully respect that border and refrain from hostile acts across it.

"The Council calls upon all parties and others concerned to abstain from any action that could cause a further escalation in the fighting.

"The Council demands that all parties and others concerned immediately ensure, in cooperation with the United Nations Protection Force, unimpeded access for humanitarian supplies.

"The Council expresses full support for the efforts of the Force and calls on the parties to respect the safety and security of the Force, its unimpeded access to supplies and its freedom of movement.

"The Council emphasizes the significance of its resolutions on safe areas and demands that all concerned facilitate implementation of these resolutions, and in this connection requests the Secretary-General to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac, drawing on the experience of the Force in Bihac and the other safe areas."

**Decision** of 18 November 1994 (3460<sup>th</sup> meeting): statement by the President

At its 3460<sup>th</sup> meeting, on 18 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to several documents<sup>294</sup> and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement<sup>295</sup> on behalf of the Council:

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<sup>294</sup> S/1994/1289, 1292, 1294 and 1300, letters dated 14, 14, 15 and 16 November 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; and S/1994/1295, letter dated 15 November 1994 from the representative of Iran addressed to the Secretary-General.

<sup>295</sup> S/PRST/1994/69.

"The Security Council condemns in the strongest possible terms the attack on the safe area of Bihac by aircraft belonging to the so-called Krajina Serb forces, which involved the dropping of napalm and cluster bombs in south-west Bihac, in clear violation of the status of Bihac as a safe area. This violation is all the more grave because of the threat it poses to the United Nations Protection Force troops deployed in the safe area of Bihac.

"The Council also condemns the shelling by the so-called Krajina Serb forces from the United Nations Protected Areas as a flagrant violation of the territorial integrity of the Republic of Bosnia and Herzegovina and relevant Council resolutions. It demands that all parties and others concerned, in particular the so-called Krajina Serb forces, cease immediately all hostile actions across the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

"The Council further demands an immediate end to all military activity which endangers the lives of the Force personnel deployed in the Bihac area and demands that all parties and others concerned, in particular the so-called Krajina Serb forces, restore the freedom of movement of Force personnel in and around the Bihac area, including their unimpeded access to supplies.

"The Council calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting, and also calls on them to achieve urgently a cease-fire in the Bihac area."

**Decision** of 19 November 1994 (3462<sup>nd</sup> meeting): resolution 959 (1994)

At its 3462<sup>nd</sup> meeting, on 19 November 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and Germany, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution<sup>296</sup> submitted by France, Germany, the Russian Federation, Spain, the United Kingdom and the United States.

At the meeting, the representative of Bosnia and Herzegovina stated that it was his delegation's understanding that the draft resolution was designed to facilitate

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<sup>296</sup> S/1994/1317.



UNPROFOR's efforts under its peace-keeping mandate. Bosnia and Herzegovina supported all such efforts in keeping with its territorial integrity and sovereignty and the interests of its citizens. Until the Bosnian Serbs accepted the Contact Group plan and until there was a comprehensive effort at peacemaking, the safe areas concept would only be a secondary tool to Bosnia and Herzegovina's responsibilities and efforts at defence and peacemaking. Referring to the issue of Sarajevo, the speaker noted that his delegation favoured the demilitarization of that city, consistent with the Contact Group plan. Bosnia and Herzegovina was prepared to evaluate options for other safe areas that would not undermine its territorial integrity or sovereignty.<sup>297</sup>

The draft resolution was then put to the vote and was adopted unanimously as resolution 959 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflict in the Republic of Bosnia and Herzegovina, in particular its resolutions 824 (1993) of 6 May 1993 and 836 (1993) of 4 June 1993,

*Reaffirming* the need for a lasting peace settlement to be signed by all the Bosnian parties and implemented in good faith by them, and condemning the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement,

*Reaffirming also* the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

*Expressing special concern* about the escalation in recent fighting in the Bihac pocket, including in, from and around the safe areas, and the flow of refugees and displaced persons resulting from it,

*Bearing in mind* the importance of facilitating the return of refugees and displaced persons to their homes,

*Taking note* of the reports of the Secretary-General of 11 March and 16 March 1994 and of his recommendations concerning the definition and implementation of the concept of safe areas in his report of 9 May 1994,

*Recalling* the statements by the President of the Security Council of 6 April, 30 June, 13 November and 18 November 1994,

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<sup>297</sup> S/PV.3462, pp. 2-3.

*Reaffirming* its previous calls on all parties and others concerned to refrain from any hostile action that could cause further escalation in the fighting and to achieve urgently a cease-fire in the Bihac area,

*Reiterating* the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre, and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo and to achieving an overall settlement, consistent with the peace plan of the Contact Group,

*Taking note* of the communiqué on Bosnia and Herzegovina issued on 30 July 1994 by the Troika of the European Union and the foreign ministers of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America and, in particular, of their commitment to strengthen the regime of safe areas,

1. *Expresses its grave concern* over the recent hostilities in Bosnia and Herzegovina;
2. *Condemns* any violation of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and demands that all parties and others concerned, in particular the so-called Krajina Serb forces, fully respect the border and refrain from hostile acts across it;
3. *Expresses its full support* for the efforts by the United Nations Protection Force to ensure implementation of the Security Council resolutions on safe areas;
4. *Calls upon* all the Bosnian parties to respect fully the status and functions of the Force and to cooperate with it in its efforts to ensure implementation of the Security Council resolutions on safe areas, and demands that all parties and others concerned show maximum restraint and put an end to all hostile actions in and around the safe areas in order to ensure that the Force can carry out its mandate in this regard effectively and safely;
5. *Requests* the Secretary-General to update his recommendations on modalities of the implementation of the concept of safe areas and to encourage the Force, in cooperation with the Bosnian parties, to continue the efforts to achieve agreements on strengthening the regimes of safe areas taking into account the specific situation in each case, and recalls its request to the Secretary-General made in the statement by the President of the Security Council of 13 November 1994<sup>38</sup> to report as soon as possible on any further measures to stabilize the situation in and around the safe area of Bihac;
6. *Further requests* the Secretary-General and the Force to intensify efforts aimed at reaching agreement with the Bosnian parties on the modalities of demilitarization of

Sarajevo, bearing in mind the need for the restoration of normal life to the city and for free access to and from the city by land and air and the free and unimpeded movement of people, goods and services in and around the city in line with its resolution 900 (1994), particularly paragraph 2 thereof;

7. *Requests* the Secretary-General to report on the implementation of the present resolution by 1 December 1994;

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

Speaking after the vote, the representative of New Zealand noted that, while his delegation had voted in favour of the resolution just adopted, it nevertheless retained some reservations. Those reservations stemmed from the belief that the safe areas had been restrictively implemented on a number of occasions, contrary to the spirit and intention of resolutions 824 (1993) and 836 (1993). Moreover, his delegation had reservations about many of the conclusions of the Secretary-General's reports. New Zealand believed that any updating, as called for in operative paragraph 5 of the resolution would, require some radical new thinking rather than simple updating. It further believed that the Contact Group plan had significantly changed the underlying parameters against which the concept of safe areas should be reviewed. The Security Council had approved and endorsed the Contact Group plan, but any proposals for defining the geographical scope of future demilitarized safe areas, if they were to meet with consensus in the Council, should envisage sufficiently large areas for the population to lead a normal life. Moreover, the overall framework for such future demilitarized safe areas should reinforce, not undermine, the areas envisaged in the Contact Group plan.<sup>298</sup>

**Decision** of 26 November 1994 (3466<sup>th</sup> meeting): statement by the President

By a letter<sup>299</sup> dated 25 November 1994 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina requested an emergency meeting of the Council, in view of the continuing attacks on, and occupation of, the Bihac safe area, by the so-called Bosnian/Croatian Serb forces.

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<sup>298</sup> *Ibid.*, pp. 5-6.

<sup>299</sup> S/1994/1342.

At its 3466<sup>th</sup> meeting, held on 26 November 1994 in response to the request contained in the above letter from the representative of Bosnia and Herzegovina, the Council included that letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (United States) drew the attention of the members of the Council to a number of documents<sup>300</sup> and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement<sup>301</sup> on behalf of the Council:

"The Security Council reiterates its deep concern over the deteriorating situation in the Republic of Bosnia and Herzegovina, particularly the Bihac region and especially in the safe area of Bihac. It condemns in the strongest possible terms all the violations of the safe area of Bihac by whomsoever committed, in particular the flagrant and blatant entry into the safe area by the Bosnian Serb forces. It also notes with concern the hostilities around Velika Kladusa. It demands that all parties and others concerned agree to and implement an immediate and unconditional cease-fire in the Bihac region, in particular in and around the safe area of Bihac. It calls on all parties to intensify negotiations for a cease-fire and a cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina in pursuit of the territorial settlement for the Republic of Bosnia and Herzegovina proposed by the Contact Group as part of an overall peace settlement.

"The Council expresses its full support for the continued efforts by United Nations personnel to achieve a cease-fire in the Bihac area, as well as for the efforts of the United Nations Protection Force to implement its mandate to deter attacks against the safe areas. The Council insists on the withdrawal of all Bosnian Serb military forces from the Bihac safe area and on the need to ensure full respect by all parties of the safe areas, particularly for the benefit of the civilian population. The Council calls on all parties and others concerned fully to cooperate with these efforts. The Council underlines the terms of resolution 836 (1993) of 4 June 1993, which enable the Force to carry out its mandate in relation to safe areas.

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<sup>300</sup> S/1994/1319, 1325, 1328, 1343, 1346, 1347 and 1348, letters dated 19, 21, 22, 25, 26, 26 and 26 November 1994, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1994/1327, letter dated 22 November 1994 from the representative of Croatia addressed to the President of the Security Council; S/1994/1329, letter dated 22 November 1994 from the Chargé d'affaires of Yugoslavia addressed to the President of the Security Council; and S/1994/1345, letter dated 25 November 1994 from the representative of the Russian Federation addressed to the Secretary-General.

<sup>301</sup> S/PRST/1994/71.

"The Council commends the Force, including those of its personnel serving in the Bihac region, in particular the Bangladeshi troops, for the important contributions they are making under the most difficult conditions. It calls on the parties and all others concerned to ensure freedom of movement for personnel of the Force and the Office of the United Nations High Commissioner for Refugees and access to necessary supplies for the Force and the civilian population throughout the Republic of Bosnia and Herzegovina and the Republic of Croatia.

"The Council condemns violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina by the so-called Krajina Serb forces and others concerned in the Bihac region. It demands that all hostile acts across that international border cease immediately, and also demands that all so-called Krajina Serb forces withdraw immediately from the territory of the Republic of Bosnia and Herzegovina.

"The Council reiterates its full support for the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put by the Contact Group to the parties as part of an overall peace settlement. The Council reiterates its condemnation of the Bosnian Serb party's refusal to accept the proposed territorial settlement and demands that that party accept it unconditionally and in full.

"The Council will monitor compliance with the terms of the present statement and react appropriately."

**Decision** of 29 November 1994 (3471<sup>st</sup> meeting): statement by the President

At its 3471<sup>st</sup> meeting, on 29 November 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (United States) drew the attention of the members of the Council to several documents<sup>302</sup> and stated that, after consultations among members of the Security Council, she had been authorized to make the following statement<sup>303</sup> on behalf of the Council:

"The Security Council reiterates its concern over the continuing conflict in the Republic of Bosnia and Herzegovina, including in the Bihac region and in particular in and around the safe area of Bihac. It remains concerned over the blatant violation of the Bihac safe area.

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<sup>302</sup> S/1994/1348 and 1351, letters dated 26 and 28 November 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

<sup>303</sup> S/PRST/1994/74.

The Council remains determined fully to support efforts to negotiate a peaceful resolution of that conflict consistent with its previous resolutions and the proposals of the Contact Group.

"The Council expresses its full support for the efforts of United Nations officials to stabilize the situation in and around the safe area of Bihac. It takes note with satisfaction of the proposal put to the parties by United Nations officials for an immediate and unconditional cease-fire in the Bihac region to be followed by a cease-fire throughout the territory of the Republic of Bosnia and Herzegovina, the interposition of the United Nations Protection Force in the Bihac safe area, a complete demilitarization of the safe area involving the withdrawal from it by all military forces and opening corridors for humanitarian relief. The Council welcomes the acceptance by the Bosnian Government of this proposal and calls on the Bosnian Serb party also to accept it.

"The Council welcomes the impending visit of the Secretary-General to the Republic of Bosnia and Herzegovina. It demands that all parties and others concerned cooperate fully with the Secretary-General's efforts to stabilize the situation in and around the safe area of Bihac and throughout the territory of the Republic of Bosnia and Herzegovina and ensure the security of the Force as it implements its mandate."

**Decision** of 2 December 1994 (3475<sup>th</sup> meeting): rejection of a draft resolution

At its 3475<sup>th</sup> meeting, on 2 December 1994, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt and Turkey, at their request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the Council members to the text of a draft resolution<sup>304</sup> submitted by Bosnia and Herzegovina, Croatia, Djibouti, Egypt, Nigeria, Oman, Pakistan, Rwanda and Turkey, and to a number of other documents.<sup>305</sup>

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<sup>304</sup> S/1994/1358.

<sup>305</sup> S/1994/1246 and 1372, letters dated 2 November and 1 December 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro); S/1994/1375, letter dated 2 December 1994 from the Secretary-General addressed to the President of the Security Council, transmitting the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the conclusion of an Economic Agreement between the Croatian Government and the Serb local authorities; S/1994/1355, letter dated 25 November 1994 from the representative of Pakistan addressed to the President of the Security Council; S/1994/1361, letter dated 28 November 1994 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council; and S/1994/1364 and 1366, letters dated 30 November 1994 from the representative of Bosnia

Under the draft resolution, in its preambular part, the Council, *inter alia*, would have: expressed concern about the continuing threat to international peace and security posed by the conflict in Bosnia and Herzegovina and the situation in the UNPAs in Croatia, and at the military activities by the local Serb paramilitary forces within the UNPAs in Croatia against Bosnia and Herzegovina and the Bihac safe area. In the operative part of the draft resolution, the Council, *inter alia*, would have: (i) reconfirmed that the requirements of all relevant Security Council resolutions, including in particular paragraph 12 of resolution 820 (1993) and resolution 943 (1994), should be strictly applied in respect of all goods crossing the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina, including goods destined for the UNPAs in Croatia; and (ii) demanded that the provisions of paragraph 12 of resolution 820 (1993) be applied strictly and in full on the international border between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and on the international border between Croatia and Bosnia and Herzegovina, in regard to the import, export, and transshipment of all commodities with the exception of essential humanitarian supplies, including medical supplies and foodstuffs distributed by international humanitarian agencies.

At the meeting, the representative of Bosnia and Herzegovina contended that the need for the draft resolution had been brought about not only because resolution 820 (1993), and specifically paragraph 12 of that resolution, had not been implemented, but also because the monitoring Mission of the International Conference on the Former Yugoslavia (ICFY) itself had facilitated the violation of that paragraph, as indicated in the 2 November report of the International Conference's Co-Chairmen. It was unfortunate that because of an absence of will on the part of UNPROFOR command to implement Council resolutions, the Council had, for the second time in as many weeks, to consider mandates already in existence. Nevertheless, the Bosnian delegation would welcome the draft resolution, as it sent a message that strategic resources such as fuel could not be used for the pursuit of war, violations of international law, nor for the benefit of the Bosnian Serbs. The draft resolution would also help to reinforce the

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and Herzegovina addressed to the Secretary-General and to the President of the Security Council, respectively.

importance of the delivery of humanitarian aid. The failure to adopt the draft resolution, however, would signify an evasion of responsibility.<sup>306</sup>

The representative of Croatia stated that his delegation believed that the draft resolution would send the message that the international community was willing to take steps to minimize the suffering of the civilian population in the region. Contending that the Security Council had not been addressing adequately the violation of the border between Croatia and Bosnia and Herzegovina, the speaker stated that the result was the promotion of a *de facto* unification of the local Croatian Serb and Bosnian Serb parties, into a single military and territorial entity. The draft resolution would dispel any possibility of such unification by reinforcing principles already established in resolution 820 (1993). Moreover, the draft would send a message that strategic resources, such as fuel, directed to the local Croatian Serb party, could not be used for the benefit of the Bosnian Serbs, nor by the local Croatian Serb party to violate the territorial integrity of Bosnia and Herzegovina, and that arrangements to supply the Croatian Serb party must cease unless there had been approval by the Croatian Government. Noting that some delegations had expressed the view in prior consultations that the draft resolution would negatively affect the economic reintegration agreement between the Croatian Government and the local Croatian Serb party, the speaker argued that, on the contrary, the draft resolution would promote the implementation of the agreement. The implementation of the agreement would only be possible when the borders were sealed and the local Croatian Serb party had decided to cooperate with the Croatian Government to satisfy its economic and humanitarian needs. Thus, the adoption of the draft resolution would give political support to the implementation of the agreement.<sup>307</sup>

Speaking before the vote, the representative of Nigeria noted that the primary objective of the draft resolution was to reaffirm and clarify the provisions of previous resolutions on the movement of non-humanitarian goods across the international borders in the areas of conflict in the former Yugoslavia. The draft would not create new measures. Rather, it would strengthen the implementation of the relevant resolutions

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<sup>306</sup> S/PV.3475, pp. 2-4.

<sup>307</sup> *Ibid.*, pp. 4-5.



already adopted. Nigeria also believed that the draft would create neither new incentives nor disincentives. It was Nigeria's view that the draft would not negatively affect the economic agreement, but would facilitate efforts on the ground, such as the attempts of the Contact Group to gain the acceptance of the peace plan by the Bosnian Serbs.<sup>308</sup>

The representative of China, whilst noting that his delegation understood the concern of the sponsors of the draft resolution over the worsening situation in Bosnia and Herzegovina, stated that it could not agree to invoking Chapter VII of the United Nations Charter for sanctions in the region of the former Yugoslavia. China believed that such a step would only further aggravate the confrontation and would not be conducive to a final, comprehensive political solution to the problems in the region of the former Yugoslavia. Based on its stated position on resolution 820 (1993), China would have difficulties with regard to the portion of the draft resolution that sought to reaffirm the relevant elements of resolution 820 (1993). The Chinese delegation would therefore abstain in the voting on the draft resolution.<sup>309</sup>

The representative of the Russian Federation expressed regret that the draft resolution had been brought to the vote. It was his delegation's view that tightening restrictions against the Krajina and Bosnian Serbs would in fact lead to a "tightening of screws" in the implementation of resolution 820 (1993), whose basic purpose had been to strengthen the sanctions against the Federal Republic of Yugoslavia. The speaker argued that there could hardly have been a more untimely moment for the submission of the draft resolution, given that the Government of the Federal Republic of Yugoslavia had begun to cooperate with international efforts, such as those of the Contact Group, had unconditionally supported the territorial settlement plan, had closed its border to all prohibited deliveries of goods to the Bosnian Serbs, and was cooperating with the ICFY Mission. The Russian Federation was therefore of the opinion that the positive approach of the Federal Republic of Yugoslavia deserved further encouragement, *inter alia* by

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<sup>308</sup> *Ibid.*, p. 7.

<sup>309</sup> *Ibid.*, pp. 9-10.

suspending the applicability of resolution 820 (1993). Accordingly, it had no choice but to vote against the draft resolution.<sup>310</sup>

The draft resolution was then put to the vote and received 13 votes in favour, one against (The Russian Federation) and one abstention (China). The draft therefore failed of adoption, owing to the negative vote of a permanent member of the Council.

Speaking after the vote, the representative of the United States stated that the draft resolution would have reaffirmed decisions already taken by the Council. It would have addressed a serious discrepancy between the requirements of resolution 943 (1994) and actual practice, and more specifically the transshipment of prohibited goods from the Federal Republic of Yugoslavia (Serbia and Montenegro) through Bosnia to the UNPAs in Croatia. The draft's failure to pass was regrettable, but that did not change the fact that a strict régime of economic measures against the Bosnian Serbs was already embodied in binding Council resolutions. The United States would continue its efforts to ensure the firm application of those measures, in order to persuade the Bosnian Serbs that acceptance of the Contact Group plan was in their best interests and rejection was not.<sup>311</sup>

**Decision** of 11 December 1994 (3478<sup>th</sup> meeting): statement by the President

At its 3478<sup>th</sup> meeting, on 11 December 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Rwanda) then drew the attention of the members of the Council to a letter<sup>312</sup> dated 12 December 1994 from the representative of Bangladesh addressed to the President of the Security Council and

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<sup>310</sup> *Ibid.*, pp. 10-11.

<sup>311</sup> *Ibid.*, p. 11.

<sup>312</sup> S/1994/1414.

stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>313</sup> on behalf of the Council:

"The Security Council strongly condemns the deliberate attack on Bangladeshi United Nations peace-keepers on 12 December 1994 in Velika Kladusa, in the region of Bihac in the Republic of Bosnia and Herzegovina. The attacked personnel of the United Nations Protection Force were travelling in an armoured personnel carrier, unmistakably carrying clear United Nations markings. It was hit by a wire-guided anti-tank missile resulting in one death and injuries to four other Bangladeshi personnel.

"The Council expresses profound regret at the casualties suffered by the United Nations peace-keepers as a result of this unprovoked and dastardly attack. It wishes to convey its deep condolences to the Government of Bangladesh as well as to the families of the affected soldiers.

"The Council endorses the protest that the Force has made to the Abdic forces and to the local Serb authorities in Knin, and its warning to the authorities in Pale.

"The Council is outraged at this incident of direct attack on the Force personnel and demands that such attacks do not recur. It warns the perpetrators of the attack that their heinous act of violence carries corresponding individual responsibility."

**Decision** of 6 January 1995 (3486<sup>th</sup> meeting): statement by the President

At its 3486<sup>th</sup> meeting, on 6 January 1995, the Council resumed its consideration of the item. 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 (Argentina) drew the attention of the members of the Council to several documents<sup>314</sup> and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>315</sup> on behalf of the Council:

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<sup>313</sup> S/PRST/1994/79.

<sup>314</sup> S/1995/8, letter dated 6 January 1995 from the Secretary-General addressed to the President of the Council, transmitting the text of the Comprehensive Cease-fire Agreement, signed on 23 December 1994 and the Agreement on Complete Cessation of Hostilities, signed on 31 December 1994; S/1994/1389, report of the Secretary-General pursuant to resolution 959 (1994); S/1994/1452, letter dated 27 December 1994 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

<sup>315</sup> S/PRST/1995/1.

"The Security Council welcomes the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 and 31 December 1994. It commends the efforts of all who worked to achieve them.

"The Council stresses the importance it attaches to immediate and full compliance with the agreements. It attaches the highest priority at this juncture to the timely completion of the various steps envisaged in the agreement on a complete cessation of hostilities. It looks to the parties and others concerned to cooperate fully with the United Nations Protection Force in their implementation. The Council calls upon all forces to cease fighting around Bihac. It supports efforts in train to strengthen the Force, and encourages Member States to make available the personnel and equipment needed for the Force to supervise and monitor the agreements.

"The Council will continue its consideration of all aspects of the crisis in Bosnia and Herzegovina and of the report of the Secretary-General of 1 December 1994.

"The Council deems it imperative to intensify efforts under the auspices of the Contact Group to achieve an overall settlement on the basis of the acceptance of the Contact Group peace plan as a starting point. It will give its full support to such efforts."

**Decision** of 12 January 1995 (3487<sup>th</sup> meeting): resolution 970 (1995)

By a letter<sup>316</sup> dated 4 January 1995 addressed to the President of the Security Council, the Secretary-General transmitted the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the ICTY's Mission to the FRY. The report contained the certification referred to in paragraph 3 of resolution 943 (1994).<sup>317</sup>

At its 3487<sup>th</sup> meeting, on 12 January 1995, the Council included the above letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Malaysia, Pakistan and

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<sup>316</sup> S/1995/6.

<sup>317</sup> In paragraph 3 of resolution 943 (1994), the Council requested that every 30 days the Secretary-General submit to the Council a report as to whether the Co-Chairmen of the Steering Committee had certified that the FRY was effectively implementing its decision to close the border between the FRY and Bosnia and Herzegovina with respect to all goods except for humanitarian needs.

Turkey, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Argentina) then drew the attention of the Council members to the text of a draft resolution<sup>318</sup> submitted by the Czech Republic, France, Germany, Italy and the United Kingdom, as well as to a letter<sup>319</sup> dated 11 January 1995 from the representative of Morocco addressed to the President of the Security Council, transmitting a note by the OIC Contact Group concerning the report of the Co-Chairmen.

At the meeting, the representative of Bosnia and Herzegovina, noting that the draft resolution before the Council would extend, for a further one-hundred days, the suspension of certain aspects of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) contained in resolution 943 (1994), pointed out that none of the objectives sought by that resolution had been realized. Moreover, there had been counter-productive consequences due to the fact that mechanisms established to monitor the border and implement resolution 943 (1994) had been flawed, enabling the transport of fuel that allowed the Croatian and Bosnian Serbs to carry out aggression against the Bihac region and to pose a threat to UNPROFOR personnel. Nevertheless, Bosnia and Herzegovina welcomed the elements of the draft resolution that were designed to strengthen the effectiveness of the border monitoring mission. It also welcomed the clarification requiring that the transshipment of goods or personnel through or to Bosnia and Herzegovina and Croatia be approved by the respective Government. Bosnia and Herzegovina's endorsement of the draft was, however, tempered by the following. First, the monitoring border mission should be provided with adequate resources and a command structure that would genuinely seal and monitor the border. Second, the Council should not reward Belgrade with a further suspension of aspects of the sanctions régime unless it had recognized the sovereignty and territorial integrity of Bosnia and Herzegovina and the other former Yugoslav Republics. Third, the cross-border aggression being carried out by Croatian Serbs must stop.<sup>320</sup>

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<sup>318</sup> S/1995/21.

<sup>319</sup> S/1995/30.

<sup>320</sup> S/PV.3487, pp. 2-4.

The representative of Croatia stated that the draft resolution before the Council contained elements that would be of great benefit to the peace process in Croatia and in the region in general. He noted that paragraph 3 of the draft extended the Yugoslav-Bosnian border blockade so that it would affect Croatia, meaning that Belgrade would not be able to send non-humanitarian assistance to the occupied territories of Croatia via the Bosnia and Herzegovina border, without consequences. Furthermore, should the Belgrade authorities choose to violate paragraph 12 of resolution 820 (1993), in that way, the Council would be left with no alternative but to reinstate the sanctions suspended by resolution 943 (1994). The speaker, however, pointed out that the extension of the border blockade was incomplete, because the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Sector East in Croatia's UNPAs could still be used by Belgrade without consequences. He contended that a complete blockade of the border between Serbia and Montenegro and Croatia would further the peace process in Croatia. Noting that a political solution for Bosnia and Herzegovina did not appear likely in the near future, he argued that by addressing the situation in Croatia first, the international community could help Bosnia and Herzegovina, in the short term, by reallocating the necessary additional UNPROFOR resources into that country, and, in the long term, by creating conditions of balance favourable to continuing with the Contact Group Plan. The draft resolution was a small but important step in that direction.<sup>321</sup>

The representative of Turkey said that his delegation had serious reservations about the draft resolution. It believed that the monitoring mechanism established under resolution 943 (1994) was not effective. Despite the certification provided by the ICFY Mission monitoring the border, independent international sources acknowledged that the border continued to be violated, with the transport of strategic material and personnel. It was therefore extremely important that the monitoring mechanisms be strengthened and the number of monitors increased. Noting that the ICFY Mission had approved fuel shipments to the Croatian Serbs, the speaker contended that such a measure violated the

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<sup>321</sup> *Ibid.*, pp. 4-6.

territorial integrity and sovereignty of Bosnia and Herzegovina and Croatia, as well as resolution 820 (1993). He further argued that the fuel shipments had enabled the Croatian Serbs to undertake aggression against the safe area of Bihac. Turkey hoped that the adoption of the draft resolution would contribute to the termination of such shipments and it looked forward to the strengthening of mechanisms for deterring and reporting violations.<sup>322</sup>

The representative of Egypt was of the view that the Council should look into taking immediate, firm and effective measures to implement earlier resolutions on Bosnia and Herzegovina before adopting new ones on the subject. He recalled that for years the Council had tried different means of exerting pressure on the “aggressor responsible for the outbreak and continuation of the military confrontation in Bosnia and Herzegovina”. But the Serbian party remained intransigent. It was therefore necessary for the international community to continue to exert pressure, including through the application of sanctions, until the Bosnian Serb party engaged with the peace plan. Egypt called upon the Council to adopt a draft resolution, under which international military observer forces would be deployed along the borders between Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), in order to ensure effective monitoring and the cutting of the supply line between Serbia and Montenegro and the Bosnian Serbs.<sup>323</sup>

The representative of Pakistan expressed the belief that it was essential that the resolutions of the Security Council be effectively enforced, in particular those authorizing the use of force and air strikes. The lack of resolve to implement those resolutions had emboldened the Serbs in their “intransigence” and had enabled them to continue to assault the sovereignty and territorial integrity of Bosnia and Herzegovina. Pakistan reiterated the decision of the Seventh Islamic Summit Conference, held in Casablanca from 11 to 15 December 1994, which had expressed opposition to the lifting or easing of sanctions against Serbia and Montenegro until it had satisfied the following conditions:

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<sup>322</sup> *Ibid.*, pp. 6-7.

<sup>323</sup> *Ibid.*, pp. 7-8.

first, the recognition of Bosnia and Herzegovina within its internationally recognized borders; second, the acceptance of United Nations forces on the border to undertake effective monitoring; and third, the implementation of the Contact Group peace plan, including the full withdrawal from all occupied territories of Bosnia and Herzegovina.<sup>324</sup>

Mr. Djokic contended that his Government had fulfilled all the obligations and met all the conditions set by the relevant Security Council resolutions. Therefore the decision by the Council to extend the partial suspension of sanctions for another 100 days and to put forward new conditionalities and restrictions was very disappointing. References in the draft resolution to the export of products from the Federal Republic of Yugoslavia to the Krajina Serbs had nothing to do with the primary objective of the closure of the border, which was to influence the Bosnian Serbs to accept the Contact Group's plan. Rather, it represented an attempt to impose new conditions on the Federal Republic of Yugoslavia. The draft resolution was not a mere extension of the partial suspension of the sanctions but rather called for the cessation of practically all economic relations between the Federal Republic of Yugoslavia and the Krajina Serbs. Moreover, it sought to exact an indirect recognition of Croatia and Bosnia and Herzegovina, which was unacceptable before a political solution had been accepted by all parties to the conflict. The speaker further argued that, during the preceding one-hundred days, the limited suspension of sanctions had not been entirely fulfilled. Despite a call by resolution 943 (1994) to the sanctions Committee to adopt streamlined procedures for expediting its consideration of applications for exemptions for legitimate humanitarian assistance, the Committee had in fact resorted to stricter implementation of the sanctions.<sup>325</sup>

Speaking before the vote, the representative of Germany stated that, in order to extend the provisions of resolution 943 (1994), the Council must decide whether the Federal Republic of Yugoslavia had closed the border effectively and whether it had sustained its course with regard to accepting the Contact Group plan and isolating the Bosnian Serbs. The answer to both of those questions was "a sober yes". Since the

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<sup>324</sup> *Ibid.*, pp. 8-9.

<sup>325</sup> *Ibid.*, pp. 10-12.



adoption of resolution 943 (1994), however, the provision of fuel originating from the Federal Republic of Yugoslavia had facilitated the military activities of the Krajina Serb forces, who continued to be active in cross-border attacks on the Bihac area. That situation was unacceptable and Germany demanded that all Krajina Serb forces withdraw from Bosnian territory. Germany had supported the inclusion in the draft of new provisions to cut off the shipment of fuel and other non-humanitarian supplies via Bosnia to the UNPAs. It therefore welcomed the fact that the ICFY Mission would now be reporting on the Federal Republic of Yugoslavia's compliance with that requirement. The speaker further stated that the message of the draft resolution was clear: the Federal Republic of Yugoslavia must withhold all support for the Bosnian Serb military and block all border crossings that the ICFY Mission could not monitor. Germany also expected Belgrade to use its influence with the various Serb parties to bring them closer to a negotiated solution. In addition, mutual recognition between all the States of the former Yugoslavia was an urgent political necessity.<sup>326</sup>

The representative of the Czech Republic was of the view that the FRY was cooperating with the ICFY Mission. His delegation had seen no evidence that the FRY would have condoned, let alone participated in, the violations of the border regime that the Mission had detected. The situation on the border was far more favourable now than it had been when resolution 943 (1994) was adopted. That was why his delegation saw no reason to change the regime that resolution 943 had introduced. His delegation would have agreed to an extension even longer than 100 days, but had no problem with the proposal at hand. As for the future of sanctions themselves, that was not the time even to consider their further abatement.<sup>327</sup>

The representative of China stated that the international community should encourage the Federal Republic of Yugoslavia to make further efforts to bring peace to Bosnia and Herzegovina. He reiterated that China was not in favour of settling the dispute through sanctions or mandatory measures, for such steps would aggravate the

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<sup>326</sup> *Ibid.*, pp. 14-15.

<sup>327</sup> *Ibid.*, pp. 16-17.

situation, bringing suffering to the people and causing serious damage to the economy of third countries. Based on that position, China supported the extension of the provisions of resolution 943 (1994) and would vote in favour of the draft. The speaker pointed out, however, that China's position had not changed in relation to certain elements of the draft resolution that were related to resolutions 757 (1992) and 820 (1993).<sup>328</sup>

The representative of the Russian Federation stated that his country was convinced that there were more than adequate grounds for agreeing on new measures to encourage Belgrade and that the Council could, as a minimum, decide on the indefinite extension of the measures provided for in resolution 943 (1994) and consider a further easing of sanctions. The Council had received four reports from the ICFY Mission corroborating the effective closure of the border between the Federal Republic of Yugoslavia and Bosnia and Herzegovina. Furthermore, Belgrade's constructive attitude was yielding practical results, including the economic agreements between the Croatian Government and the local Serbian authorities in the UNPAS, an agreement on the complete cessation of hostilities in Bosnia and Herzegovina, and changes in the Bosnian Serb leadership. Russia, therefore, regretted that the Council had not been able to agree on a draft that would have provided for further measures of encouragement, and it felt that certain aspects of the draft before the Council were "completely unwarranted", running counter to the recommendations of the Co-Chairmen of the ICFY. In unreservedly favouring the extension of the partial extension of sanctions, Russia could not share responsibility for the potential negative consequences of the adoption of the draft resolution, and thus could not support it. It hoped that the principle that a deserving party should be encouraged would be implemented more consistently in the future.<sup>329</sup>

The draft resolution was then put to the vote and was adopted by 14 votes to none, with one abstention (Russian Federation) as resolution 970 (1995). The resolution reads as follows:

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<sup>328</sup> *Ibid.*, pp. 19-20.

<sup>329</sup> *Ibid.*, pp. 20-21.

*The Security Council,*

*Recalling* all its earlier relevant resolutions, in particular resolution 943 (1994) of 23 September 1994,

*Welcoming* the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 4 January 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting that those measures were a necessary condition for the adoption of the present resolution,

*Stressing* the importance of the maintenance by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the effective closure of that border, and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission of the International Conference on the Former Yugoslavia,

*Expressing its appreciation* for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and stressing the importance it attaches to the availability of all resources necessary for the work of the Mission,

*Noting* that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended for a further period of one hundred days from the adoption of the present resolution;

2. *Calls upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region;

3. *Reaffirms* that the requirements in paragraph 12 of resolution 820 (1993) that import to, export from and trans-shipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of

Croatia or the Government of the Republic of Bosnia and Herzegovina respectively, apply to all shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina;

4. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) urgently to expedite its elaboration of appropriate streamlined procedures as referred to in paragraph 2 of resolution 943 (1993), and to give priority to its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the International Committee of the Red Cross and from the Office of the United Nations High Commissioner for Refugees and other organizations in the United Nations system;

5. *Requests* that every thirty days the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are effectively implementing their decision to close the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs and are complying with the requirements of paragraph 3 above in respect of all shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and further requests the Secretary-General to report to the Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee, that those authorities are not effectively implementing their decision to close that border;

6. *Decides* that, if at any time the Secretary-General reports that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not effectively implementing their decision to close that border, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

7. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United Kingdom stated that the economic sanctions against the Federal Republic of Yugoslavia and the Bosnian Serbs

had undoubtedly been a major factor in recent progress. The impact of the sanctions upon the economy of the Federal Republic of Yugoslavia had been largely responsible for Belgrade's decision to cease assisting the Bosnian Serbs, and to support the Contact Group plan. The Federal Republic of Yugoslavia's cooperation with the ICFY Mission must continue if the sanctions were to continue to be suspended. The resolution just adopted represented a balanced response to the cooperation provided by Belgrade over the preceding hundred days. The resolution allowed for the continued suspension of aspects of the sanctions for a further hundred days. It also sought to remove any ambiguity about the application of resolution 820 (1993) concerning transshipments across the Federal Republic of Yugoslavia-Bosnian border, and to give clear priority to applications for humanitarian assistance. The speaker further noted that sanctions were being imposed to achieve changes in policy, rather than to punish. Sanctions reinforced the Contact Group's strategy of increasing the pressure on the Bosnian Serbs to return to the negotiating table. It was essential that Belgrade continued to support the Contact Group approach, maintained the embargo on the Bosnian Serbs and kept up the pressure on the Krajina Serbs to cease violating the Croatian-Bosnian border, and to implement the economic agreement in Croatia. Further sanctions relief might be possible, but only if there was substantial progress towards the objective of achieving a lasting political settlement in the former Yugoslavia.<sup>330</sup>

The representative of Indonesia reiterated his country's position that the suspension of certain aspects of the sanctions against the Federal Republic of Yugoslavia, contained in resolution 943 (1994), had been premature. Equally important, resolutions adopted by the Council had explicitly stipulated the steps that the FRY should take if sanctions were to be eased. These clearly went beyond the mere promise to close the border with Bosnia and Herzegovina. Indonesia therefore had serious reservations regarding the provision for an extension of the suspension of sanctions as contained in the resolution just adopted. Despite its misgivings, however, Indonesia was cognizant of the positive elements contained in the resolution, such as the call upon all States to respect

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<sup>330</sup> *Ibid.*, pp. 22-23.

the sovereignty, territorial integrity and international borders of all States in the region and the provision reaffirming the requirement contained in paragraph 12 of resolution 820 (1993) that imports to, exports from and transshipment through the UNPAs in Croatia and those areas of Bosnia and Herzegovina under the control of the Bosnian Serbs should be permitted only with the authorization of the Government of Croatia or Bosnia and Herzegovina. Against that background, Indonesia had voted in favour of the resolution just adopted. Its position was based on the understanding that Belgrade would scrupulously uphold its commitments and that, should the Secretary-General report a willful violation, then the suspension of the sanctions would be terminated forthwith.<sup>331</sup>

The representative of the United States observed that the sanctions régime had been vital to the effort to persuade the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs that a peaceful resolution of the conflict was in their best interests. The resolution just adopted was an indication that the effort to persuade Belgrade to pressure the Bosnian Serbs had begun to show results. There should be no doubt that the willingness of the United States Government to support the resolution had been a direct result of the conclusion that Belgrade had moved to implement its decision to close the border. Nevertheless, further efforts must be made to ensure that the border was effectively closed. The United States was therefore gratified that the Council had reaffirmed its prohibition of transshipments through Bosnian territory controlled by the Bosnian Serbs. Such transshipments without the permission of the relevant Governments had been, and continued to be, violations of paragraph 12 of resolution 820 (1993). The speaker further stated that the effectiveness of the border closure would require continued vigilance on the part of the international community, the ICFY Mission and Federal Republic of Yugoslavia officials. The United States expected that a number of measures would be taken to ensure effective closure.<sup>332</sup>

**Decision** of 17 February 1995 (3501<sup>st</sup> meeting): statement by the President

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<sup>331</sup> *Ibid.*, pp. 23-25.

<sup>332</sup> *Ibid.*, pp. 25-26.

At its 3501<sup>st</sup> meeting, on 17 February 1995, the Council resumed its consideration of the item. 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 (Botswana) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>333</sup> on behalf of the Council:

"The Security Council is deeply concerned at the continued fighting around Bihac and deplores the serious humanitarian situation in the Bihac area. It reaffirms its support for the Special Representative of the Secretary-General and the United Nations Protection Force.

"The Council recalls the statement of the President of the Security Council of 6 January 1995. It reiterates the importance it attaches to full compliance with the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina concluded on 23 and 31 December 1994. All involved must now make a concerted effort to consolidate what has been achieved so far to avoid the risk of a renewed outbreak of hostilities.

"The Council demands that all forces in the Bihac area cease fighting immediately and cooperate fully with the United Nations Protection Force in achieving an effective ceasefire. The Council reiterates its condemnation of the continued violations of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

"The Council condemns the recent obstruction of humanitarian convoys destined for the Bihac area by the Croatian Serb and Abdic forces. It welcomes the fact that convoys are now getting through and calls upon all parties and others concerned henceforth to facilitate the unhindered flow of humanitarian assistance and complete freedom of movement for the United Nations Protection Force."

**Decision** of 14 April 1995 (3520<sup>th</sup> meeting): statement by the President

At its 3520<sup>th</sup> meeting, on 14 April 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (Czech Republic) stated

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<sup>333</sup> S/PRST/1995/8.

that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>334</sup> on behalf of the Council:

"The Security Council is gravely concerned at the recent attacks on the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina and, in this regard, has learnt with particular indignation that once again a soldier of the Force, this time a soldier of the French contingent, was deliberately targeted and shot to death by an unidentified sniper in Sarajevo today. The Council notes with similar concern that several other soldiers of the United Nations have been killed recently in similar circumstances.

"The Council condemns in the strongest terms such acts directed at peacekeepers who are serving the cause of peace in the Republic of Bosnia and Herzegovina. Deliberate targeting of the United Nations Protection Force personnel reflects the overall deterioration of the situation in the Republic of Bosnia and Herzegovina. The Council wishes to state once again that this is totally unacceptable. It reiterates that the cooperation of all parties and others concerned is indispensable for the missions of the Force to be carried out and demands that they respect fully the status of United Nations personnel.

"The Council invites the Secretary-General to investigate the circumstances of these acts and to report to the Council, taking into consideration the views of troop-contributing countries, on any measures which might be necessary to prevent further similar attacks, which should not remain unpunished."

**Decision of 19 April 1995 (3521<sup>st</sup> meeting): resolution 987 (1995)**

At its 3521<sup>st</sup> meeting, on 19 April 1995, the Council resumed its consideration of the item. 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 (Czech Republic) then drew the attention of the Council members to the text of a draft resolution<sup>335</sup> submitted by France.

At the meeting, the representative of Bosnia and Herzegovina stated that the deaths of two UNPROFOR soldiers in Sarajevo testified to the continuing terrorization of

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<sup>334</sup> S/PRST/1995/19.

<sup>335</sup> S/1995/311.



that city; and to the fact that resolutions on safe areas continued to be violated. He argued that the soldiers' death would not be in vain if they contributed to a change in the situation. The draft resolution before the Council was a first step in that direction. His delegation supported the establishment of new measures to prevent further attacks against UNPROFOR troops and improve their security. It hoped that the Council would also review UNPROFOR's mandate.<sup>336</sup>

The draft resolution was put to the vote and was adopted unanimously as resolution 987 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, and reaffirming in this context its resolution 982 (1995) of 31 March 1995, in particular paragraphs 6 and 7 thereof,

*Expressing its grave concern* at the continued fighting in the Republic of Bosnia and Herzegovina despite the agreements on a ceasefire and on a complete cessation of hostilities concluded on 23 and 31 December 1994, and deploring the violations of these agreements and of the ban imposed by its resolutions 781 (1992) of 9 October 1992 and 816 (1993) of 31 March 1993 by whomsoever committed,

*Stressing* the unacceptability of all attempts to resolve the conflict in the Republic of Bosnia and Herzegovina by military means,

*Noting once again* the need for resumed negotiations aimed at an overall peaceful settlement of the situation in the Republic of Bosnia and Herzegovina on the basis of the acceptance of the Contact Group peace plan as a starting-point,

*Gravely preoccupied* at the recent attacks on the United Nations Protection Force personnel in the Republic of Bosnia and Herzegovina and at the fatalities resulting therefrom, condemning in the strongest terms such unacceptable acts directed at members of peacekeeping forces, and determined to obtain a strict respect of the status of United Nations personnel in the Republic of Bosnia and Herzegovina,

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<sup>336</sup> S/PV.3521, pp. 2-3.

*Reaffirming* its determination to ensure the security of the United Nations Protection Force and freedom of movement for all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Emphasizes once again* the responsibility of the parties and others concerned in the Republic of Bosnia and Herzegovina for the security and safety of the United Nations Protection Force, and in this context demands again that all parties and others concerned refrain from any act of intimidation or violence against the Force and its personnel;

2. *Recalls* its invitation to the Secretary-General, in this context, to submit proposals on any measures which could be taken to prevent attacks against the United Nations Protection Force and its personnel and allow it to perform effectively its mission, and invites him to submit such proposals on an urgent basis;

3. *Calls upon* the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities concluded on 23 and 31 December 1994 beyond 30 April 1995, and looks to all parties and all others concerned to cooperate fully with the United Nations Protection Force in their implementation;

4. *Urges* all parties and others concerned to resume forthwith negotiations towards an overall peaceful settlement on the basis of the acceptance of the Contact Group peace plan as a starting-point;

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

Speaking after the vote, the representative of France stated that it had been a matter of urgency for the Council to react to the murders of UNPROFOR personnel by condemning those unacceptable acts and by giving a sign of its determination that the status of United Nations personnel be respected. It had also been essential to remind the Bosnian parties of the need to extend the cease-fire and cessation-of-hostilities agreements beyond 30 April and to recommence immediately negotiations towards an overall settlement, by accepting the Contact Group peace plan as a starting point.<sup>337</sup>

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<sup>337</sup> *Ibid.*, p. 5.

**Decision** of 21 April 1995 (3522<sup>nd</sup> meeting): resolution 988 (1995)

By a letter<sup>338</sup> dated 13 April 1995 addressed to the President of the Security Council, the Secretary-General transmitted a report of the Co-Chairmen of the Steering Committee of the ICFY, concerning the operations of the ICFY Mission. The report contained the certification referred to in resolution 970 (1995)<sup>339</sup>.

At its 3522<sup>nd</sup> meeting, on 21 April 1995, the Council resumed its consideration of the item and included the above letter in its agenda. 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 Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion. The President (Czech Republic) then drew the attention of the Council members to the text of a draft resolution<sup>340</sup> submitted by the Czech Republic, France, Germany, Italy, the United Kingdom and the United States, as well as to several other documents.<sup>341</sup>

At the meeting, Mr. Djokic noted with regret that, despite consistently positive reports by the ICFY Mission that the Federal Republic of Yugoslavia was adhering to its commitment to close its border with the Bosnian Serbs, and despite the fact that it had fulfilled the provisions of relevant resolutions by which the sanctions had been introduced, the Council was not able to lift the sanctions altogether. He argued that, by opting to maintain the greatest part of the most comprehensive sanctions régime adopted against any State Member of the United Nations, the Council was continuing to pursue a policy of punishing the Federal Republic of Yugoslavia and the Serbian and Montenegrin people for matters for which they bore no responsibility. The speaker further argued that the new conditions being set by some members of the Contact Group, including in particular the calls for the recognition by the Federal Republic of Yugoslavia of Bosnia

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<sup>338</sup> S/1995/302.

<sup>339</sup> See footnote 300.

<sup>340</sup> S/1995/319.

<sup>341</sup> S/1995/301, letter dated 13 April 1995 from the representative of Croatia addressed to the President of the Security Council; S/1995/309, letter dated 15 April 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

and Herzegovina and Croatia as a prerequisite for the further suspension of sanctions, lacked a basis in Security Council resolutions and represented a counterproductive form of pressure. Recalling that the decision by the Federal Republic of Yugoslavia to cut political and economic links with the Bosnian Serbs had been unilateral, the speaker noted that that step had been taken in order to pressure the Bosnian Serbs to accept the Contact Group plan. Yugoslavia had therefore accepted the ICFY Mission in order to facilitate that unilateral decision. If further pressure were brought to bear on the Federal Republic of Yugoslavia, however, then Belgrade might begin to question the activities of the ICFY Mission.<sup>342</sup>

The representative of Bosnia and Herzegovina expressed appreciation for the Council's efforts to improve the effectiveness of the border-sealing régime. While he noted that the new mechanism and reporting system contained in the draft resolution before the Council should help advance towards the desired results, he also stressed that Member States must provide all the necessary resources for the new system to be effective. That included the provision of independent evidence of violations and more experts and troops deployed along the border. In that context, Bosnia and Herzegovina welcomed the provision in paragraph 16 of the draft resolution, calling upon the Mission to provide the relevant Government with its observations and findings. It also took note of the expiration date of the provision easing the sanctions against the FRY, stating that it was long enough to test the efficacy of both the border closure and monitoring mechanism and of the Belgrade régime's authority. The speaker concluded by saying that the most critical variable in the search for peace was the acceptance and implementation of the peace plan by the Bosnian Serbs. Until that occurred, the international community should maintain its commitment to the United Nations mandate in Bosnia and Herzegovina, Croatia and elsewhere. Bosnia and Herzegovina would continue to use its capacity, including the right and means to defend its population,

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<sup>342</sup> S/PV.3522, pp. 2-4.

territorial integrity and sovereignty. In that connection, it reasserted its “unabridgable right” to defend itself.<sup>343</sup>

Speaking before the vote, the representative of Argentina noted that whilst his delegation was in favour of continuing the suspension of the sanctions, it wished to place on record its interpretation of certain provisions of the draft resolution. His delegation interpreted the date mentioned in operative paragraph 1 not as curtailing the deadline set by resolution 970 (1995), but rather as establishing a new and more clear-cut policy. The reason was that it would not be particularly meaningful to interpret it as a setting of a shorter deadline for the suspension of sanctions, when it was acknowledged that there had been no substantive changes warranting that suspension. His delegation also understood the authorization for the Federal Republic of Yugoslavia (Serbia and Montenegro) to operate commercial flights in operative paragraph 2 to mean that it should be able to obtain the necessary quantities of fuel, lubricants, equipment and spare parts to ensure that the flights were safe.<sup>344</sup>

The representative of the Russian Federation stated that his delegation would not be able to support the draft resolution, because it did not consider it to be consistent with the principle of positive and negative incentives previously agreed upon in the Contact Group and the Security Council, according to which those that supported the peace plan would be encouraged while pressure would be exerted on those that rejected it. Recalling that it was the FRY’s own decision to close its border with Bosnia and Herzegovina, the speaker stated that the Government of the FRY had stuck strictly to its decision to close its border with Bosnia and Herzegovina to all except humanitarian goods, as corroborated by numerous reports of the Co-Chairmen of the Steering Committee of the ICFY. In addition, its cooperation with the ICFY Mission remained very good. Under these circumstances, the Council would have been justified in adopting further positive stimuli, such as making the partial suspension of sanctions indefinite. Unfortunately, with each extension of the partial suspension, the Council had been inclined to make fresh demands

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<sup>343</sup> *Ibid.*, pp. 4-7.

<sup>344</sup> *Ibid.*, pp. 7-8.

on the Federal Republic of Yugoslavia. An example of that approach was that the draft resolution attempted to link the voluntary decision by the Federal Republic of Yugoslavia to close its border with Bosnia and Herzegovina to the situation on its border with Croatia, thus constituting a serious step towards changing the mandate of the ICFY Mission without consulting Belgrade. It was beyond Russia's understanding why it had been necessary to cut back the draft resolution's duration to 75 days when a mechanism, which was still operational, was agreed upon in September last year that provided for the immediate reimposition of full sanctions should the government of FRY fail to implement its decision to close the border. Russia also considered a number of provisions of the draft resolution to be "puzzling". The speaker contended that the Council was engaging in "unwarranted micromanagement" whereas in other instances it closed its eyes to flagrant violations of its own decisions, as had long happened with respect to the arms embargo on all successor States of the former Yugoslavia.<sup>345</sup>

The representative of China reiterated that his delegation was against the introduction of sanctions or mandatory measures in relation to the conflict in the former Yugoslavia, contending that events had proven that sanctions or pressure would further complicate the issue. Stating that the Federal Republic of Yugoslavia was an important factor for restoring peace and stability in the region, and that his government had supported the Mission in the discharge of its duties, and had taken measures to effectively close its border with Bosnia and Herzegovina, the speaker contended that the international community should continue to encourage rather than discourage the Federal Republic of Yugoslavia for fulfilling its commitment to close the border. Regrettably, although the draft resolution further extended the provisions for easing the sanctions, it had shortened the period of extension and attached more restrictive conditions to the extension, which was a step backward from resolutions 943 (1994) and 970 (1995). China would therefore abstain from the vote on the draft resolution.<sup>346</sup>

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<sup>345</sup> *Ibid.*, pp. 13-15.

<sup>346</sup> *Ibid.*, pp. 15-16.

The draft resolution was then put to the vote and it was adopted by 13 votes to none, with two abstentions (China, Russian Federation) as resolution 988 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994 and resolution 970 (1995) of 12 January 1995,

*Noting* the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), as described in the reports transmitted by the letters dated 31 March 1995 and 13 April 1995 from the Secretary-General to the President of the Security Council, to maintain the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting that those measures were a necessary condition for the adoption of the present resolution,

*Concerned*, however, about reports suggesting that helicopter flights may have crossed the border between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro), and noting that an investigation of those reports is being undertaken by the Mission of the International Conference on the Former Yugoslavia,

*Noting with satisfaction* that the cooperation of the Mission of the International Conference with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good, and stressing the importance of effective closure by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and of further efforts by them to enhance the effectiveness of that closure, including by the prosecution of persons suspected of violating measures to that end and by sealing border crossing points as requested by the Mission,

*Expressing its appreciation* for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Noting* that paragraph 9 of resolution 757 (1992) of 30 May 1992 remains in force,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 5 July 1995;

2. *Confirms* that commodities and products, including fuel beyond immediate needs for a flight or ferry voyage, taking into account internationally recognized safety requirements, shall not be carried on flights and ferry services permitted in accordance with paragraph 1 above, except in accordance with the provisions of relevant resolutions and in conformity with the procedures of the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991, and that, if a need is established for the supply of additional fuel for the operation of flights permitted in accordance with paragraph 1 above, the Committee established pursuant to resolution 724 (1991) shall consider such applications on a case-by-case basis;

3. *Reminds* States of the importance of strict enforcement of measures imposed under Chapter VII of the Charter, and calls upon all States which allow flights or ferry services permitted in accordance with paragraph 1 above from their territories or using their flag vessels or aircraft to report to the Committee established pursuant to resolution 724 (1991) on the controls adopted by them to implement such measures in earlier relevant resolutions;

4. *Calls upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region;

5. *Underlines* the importance it attaches to the work of the Mission of the International Conference on the Former Yugoslavia, expresses its concern that a shortage of resources hampers the effectiveness of that work, and requests the Secretary-General to report to the Security Council within thirty days of the adoption of the present resolution on measures to increase the effectiveness of the work of the Mission, including on the question of helicopter flights;

6. *Requests* Member States to make available the necessary resources to strengthen the capacity of the Mission of the International Conference to carry out its tasks, and encourages the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to give additional support for the operation of the Mission;

7. *Calls upon* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate fully with the Mission of the International Conference, in particular in investigating alleged breaches of the closure of the border, whether by land or by air, between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina and ensuring the continued closure of that border;

8. *Stresses* the importance it attaches to a thorough investigation of reports that helicopter flights may have crossed the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, calls upon the authorities of the



Federal Republic of Yugoslavia (Serbia and Montenegro) to comply with their commitment to cooperate fully in that investigation, and requests the Secretary-General to report to the Security Council on the outcome of the investigation;

9. *Reaffirms its decision* that import to, export from and trans-shipment through the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina;

10. *Encourages* the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to reinstate the severance of international telecommunication links between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces which they instituted in August 1994;

11. *Requests* the Committee established pursuant to resolution 724 (1991) to conclude urgently its elaboration of appropriate streamlined procedures, and invites the Chairman of that Committee to report to the Security Council as soon as possible on the matter;

12. *Also requests* the Committee established pursuant to resolution 724 (1991) to continue to give priority to its consideration of applications concerning legitimate humanitarian assistance, in particular applications from the International Committee of the Red Cross and from the Office of the United Nations High Commissioner for Refugees and other organizations in the United Nations system;

13. *Requests* that, every thirty days and no fewer than ten days before the expiration of the period referred to in paragraph 1 above, the Secretary-General submit to the Security Council for its review a report as to whether the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, on the basis of information made available to them from the Mission of the International Conference and all other available sources deemed relevant by the Mission, have certified that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are implementing their decision to close the international border, on land and in the air, between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs and are complying with the requirements of paragraph 3 of resolution 970 (1995) in respect of all

shipments across the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina, and requests that the Secretary-General inform the Council in his report if the Co-Chairmen of the Steering Committee have received substantiated evidence, from sources deemed relevant by the Mission, of substantial trans-shipments of goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs, from the Federal Republic of Yugoslavia (Serbia and Montenegro) through the Republic of Croatia to the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in violation of earlier relevant resolutions;

14. *Also requests* the Secretary-General to report to the Security Council immediately if he has evidence, including from the Co-Chairmen of the Steering Committee of the International Conference, that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina;

15. *Decides* that if at any time the Secretary-General reports that, from sources deemed relevant by the Mission of the International Conference, the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) are not implementing their decision to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina or that they are permitting substantial diversion of goods, except foodstuffs, medical supplies and clothing for essential humanitarian needs, from the Federal Republic of Yugoslavia (Serbia and Montenegro) through the Republic of Croatia to the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces in violation of earlier relevant resolutions, the suspension of the measures referred to in paragraph 1 above shall terminate on the fifth working day following the report of the Secretary-General, unless the Security Council decides to the contrary;

16. *Encourages* the Co-Chairmen of the Steering Committee of the International Conference to ensure that the Mission of the International Conference keeps the Government of the Republic of Bosnia and Herzegovina, the Government of the Republic of Croatia and the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) fully informed about the findings of the Mission;

17. *Decides* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States expressed her delegation's belief that Belgrade had not done enough to comply with its commitment to isolate the Bosnian Serbs. The United States could not, therefore, have supported a resolution that represented "business as usual". The resolution just adopted was designed to acknowledge progress, but also to close remaining loopholes. Belgrade must close the land and air border with Bosnia, and must not seek to circumvent the closure of the border by illegally shipping goods through Serb-controlled Croatia. The United States had been prepared to block the resolution just adopted if those steps to tighten the border closure had not been included. During the subsequent 75 days, the United States would be watching closely to see if Belgrade was improving its compliance with its commitment to close the border. The speaker urged the ICFY Mission, the Co-Chairmen of the ICTY Steering Committee and the Secretary-General to implement fully paragraphs 13 and 15 of the resolution, stressing that it was up to them to make sure that the Council's decisions were more than words on pieces of paper. He noted that border closure was not an end in itself and that the objective remained obtaining the agreement of the Bosnian Serbs to the Contact Group plan. Thus it was necessary to maintain the pressure upon the Bosnian Serbs. The authorities in Belgrade also needed to understand that the suspension of additional sanctions would depend on their willingness to take further steps towards peace, most notably by recognizing Croatia and Bosnia and Herzegovina within their internationally recognized borders.<sup>347</sup>

The representative of France noted that his country had been called upon to make a difficult choice, which it did on the basis of a number of considerations. Firstly, France was convinced that the mechanisms now in place to monitor the border closure were, overall, achieving their objectives. It reaffirmed that the best way of improving the Mission's operation was by increasing the resources allocated to it. At the same time, France recognized that the Federal Republic of Yugoslavia had demonstrated that it was

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<sup>347</sup> *Ibid.*, pp. 16-17.

cooperating with the Mission. That was essentially why the French delegation wished to extend the suspension of sanctions. Secondly, a number of steps had proved useful in plugging the gaps resulting from the shortfalls, the most striking examples of which were the helicopter flights and the sidestepping of the frontier closure by passing goods for Bosnia and Herzegovina by way of Croatian territory, which was why a part of the resolution included a strengthening of the existing measures. That strengthening in France view, was not such as to cast doubt on the degree of cooperation being afforded by the Belgrade authorities, but did respond to the loopholes that had shown up by experience. The speaker further stressed that, even though the length of the extension of the suspension of sanctions had been shortened, it had only been shortened slightly. France would have agreed with the period provided in previous resolutions, but had accepted the time-frame in the resolution in a spirit of compromise.<sup>348</sup>

The representative of the United Kingdom stated that the Bosnian Serb leadership must understand that there was no alternative to resuming peace negotiations, with the Contact Group plan as the starting point. In relation to the suspended sanctions against the Federal Republic of Yugoslavia, two important issues should be addressed without delay. The first was to ensure that the border closure was effective, and the second was to reinforce the ICFY Mission so that it was able to carry out its tasks effectively. A limited suspension of the sanctions was the appropriate response to Belgrade's cooperation. Additional sanctions relief would only be justified, however, if Belgrade were to make further commitments to advancing the peace process.<sup>349</sup>

The President, speaking in his capacity as representative of the Czech Republic, stated that keeping up the pressure on the Bosnian Serbs and maintaining the régime of abated sanctions was the best way forward. In fact, the Czech Republic would have preferred that the suspension had been extended significantly beyond the 5 July deadline because it felt that Belgrade was substantively cooperating.<sup>350</sup>

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<sup>348</sup> *Ibid.*, pp. 17-18.

<sup>349</sup> *Ibid.*, pp. 20-21.

<sup>350</sup> *Ibid.*, p. 21.

**Decisions of 3 May 1995 (3530<sup>th</sup> meeting): statements by the President**

At its 3530<sup>th</sup> meeting, on 3 May 1995, the Council resumed its consideration of the item. 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 (France) then stated that, after consultations among members of the Security Council, he had been authorized to make two statements on behalf of the Council. The first statement<sup>351</sup> reads as follows:

"The Security Council is deeply concerned about the failure of the Bosnian parties to agree to an extension of the agreements on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina and the recent deterioration of the situation there. It stresses once again the unacceptability of all attempts to resolve the conflict in the Republic of Bosnia and Herzegovina by military means.

"The Council calls upon the Bosnian parties to agree without further delay to a further ceasefire and a complete cessation of hostilities and, in this regard, fully supports the negotiating efforts of the United Nations Protection Force and other international efforts aimed at persuading the Bosnian parties to agree to such a ceasefire and complete cessation of hostilities. The Council urges the Bosnian parties to abstain from any steps which may lead to further escalation of the conflict and reaffirms the need for a political settlement on the basis of the acceptance of the Contact Group peace plan as a starting point."

The second statement<sup>352</sup> reads as follows:

"The Security Council is deeply concerned about the obstruction of the normal operation of Sarajevo airport, including the suspension of the humanitarian relief airlift, caused by Bosnian Serb threats against United Nations aircraft and humanitarian relief flights, and by their attempts to impose restrictions on the use of Sarajevo airport by official missions as foreseen in the 5 June 1992 agreement (S/24075). Such obstruction is in breach of the agreement of 5 June 1992 and of the Council's previous resolutions, in particular resolution

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<sup>351</sup> S/PRST/1995/24.

<sup>352</sup> S/PRST/1995/25.

761 (1992), and is unacceptable. Obstruction of the humanitarian relief also constitutes a violation of international humanitarian law.

"In that context, the Council demands that all parties and others concerned comply fully with the agreement of 5 June 1992 and create immediately the necessary conditions for unimpeded delivery of humanitarian supplies to Sarajevo and other destinations in the Republic of Bosnia and Herzegovina. It calls upon the Bosnian Serb party to guarantee the safety of all flights to Sarajevo supervised by the United Nations Protection Force, including humanitarian relief flights.

"The Council requests the Secretary-General to keep it informed of discussions with the Bosnian Serb party on the restoration of the normal functioning of the Sarajevo airport so that it might take further action as necessary."

**Decision** of 23 June 1995 (3548<sup>th</sup> meeting): statement by the President

At its 3548<sup>th</sup> meeting, on 23 June 1995, the Council resumed its consideration of the item. 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 (Germany) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>353</sup> on behalf of the Council:

"The Security Council reiterates its condemnation of interference with humanitarian supplies and the freedom of movement of the United Nations Protection Force by all parties within the territory of the Republic of Bosnia and Herzegovina. In this context, it is deeply concerned by the blockading by Bosnian Government forces of the United Nations Protection Force personnel in the Visoko, Gorazde, Gorni Vakuf and Kladanj areas, which included placing mines outside the United Nations Protection Force camp in Visoko on 20 June 1995. The Council is also deeply concerned at the deterioration in the situation in and around Sarajevo, the obstruction by the Bosnian Serb party of freedom of movement and utilities to the city and the continued obstruction of the normal operation of Sarajevo airport.

"The Council stresses that all such actions are unacceptable and demands that all parties fully respect the safety and security of the United Nations Protection Force personnel and

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<sup>353</sup> S/PRST/1995/31.

ensure their complete freedom of movement to enable the Force to carry out its mandate in accordance with the resolutions of the Council.

“The Council calls upon the parties to enter into negotiations as provided for in its resolution 998 (1995) of 16 June 1995 and to agree without further delay to a ceasefire and a complete cessation of hostilities in the Republic of Bosnia and Herzegovina. The Council emphasizes that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina. It stresses the importance it attaches to the vigorous pursuit of a political settlement and reiterates its demand that the Bosnian Serb party accept the Contact Group peace plan as a starting point.”

**Decision** of 5 July 1995 (3551<sup>st</sup> meeting): resolution 1003 (1995)

By a letter<sup>354</sup> dated 25 June 1995 addressed to the President of the Security Council, the Secretary-General transmitted a report of the Co-Chairmen of the Steering Committee of the ICFY, concerning the operations of the ICFY Mission. The report contained the certification referred to in resolution 988 (1995).<sup>355</sup>

At its 3551<sup>st</sup> meeting, on 5 July 1995, the Council included the above letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Honduras) then drew the attention of the Council members to the text of a draft resolution<sup>356</sup> submitted by the Czech Republic, France, Germany, the United Kingdom and the United States, as well as to a letter<sup>357</sup> dated 5 July 1995 from the representatives of Bosnia and Herzegovina and Croatia addressed to the President of the Security Council.

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<sup>354</sup> S/1995/510.

<sup>355</sup> See footnote 300.

<sup>356</sup> S/1995/537.

<sup>357</sup> S/1995/538.

At the meeting, the representative of Bosnia and Herzegovina said that if Belgrade wished to secure further sanctions relief or even to maintain the easing of sanctions, it must understand that the border closure should be real, that the recognition of its neighbours must be unambiguous, and that its support for the peace process needed to be sincere and not just tactical. Instead, Belgrade was continuing to provide strategic support for the so-called Krajina and Bosnian Serbs armies. Bosnia and Herzegovina did not ask anything more than the legal recognition by Belgrade of its sovereignty and territorial integrity, which the United Nations had already recognized in the context of its membership in the United Nations.<sup>358</sup>

The representative of Croatia reiterated his Government position, that the only way out of the existing impasse was for the Federal Republic of Yugoslavia (Serbia and Montenegro) to recognize Bosnia and Herzegovina and Croatia, and for the international community to ensure the effective closure of the relevant borders between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina and Croatia. He contended that the peace process had been derailed by the devaluation of the Security Council mandate for the ICFY Mission. Clearly, the ICFY had reinterpreted its mandate to mean partial closing of the border, and not effective closing, as was originally envisaged by the Council. The Croatian Government had given ample evidence that the relevant border was not effectively closed. It therefore considered the ICFY certification of the border closure to be “null and void” and called on the Council to review the work of the Mission, and to clarify whether its mandate was to certify a partial or an effective closure of the border. If the Council were to decide that the mandate was indeed for a partial closure, then Croatia would have to re-evaluate its position in the peace process and on the likelihood of the successful implementation of the UNCRO mandate calling for border control between Croatia and Serbia and Montenegro, and Croatia and Bosnia and Herzegovina.<sup>359</sup>

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<sup>358</sup> S/PV.3551, pp. 2-4.

<sup>359</sup> *Ibid.*, pp. 4-5.



Ambassador Djokic stated that his country was prepared to recognize the border of Bosnia and Herzegovina once the political problems affecting its nations were closer to being resolved. The Federal Republic of Yugoslavia also insisted that the sanctions be lifted before there was any such recognition. The speaker argued that the perpetuation of the sanctions and the setting of additional conditions for their lifting were absurd and that their maintenance was untenable now, especially as the Federal Republic of Yugoslavia was investing major efforts to contribute to the search for a just and peaceful settlement. Only negotiations could be conducive to such an outcome, not the use of force, the lifting of the arms embargo or the deployment of new troops. If the Council truly wished to open the road towards peace, it must have the courage to lift the sanctions altogether. The sanctions only fostered resistance and established limits within the Federal Republic of Yugoslavia on greater cooperation.<sup>360</sup>

Speaking before the vote, the representative of the Russian Federation said that his delegation would abstain in the vote on the draft resolution, for it believed that the draft did not encourage a constructive policy on the part of the Federal Republic of Yugoslavia. He argued that since the adoption of resolution 943 (1994), the Federal Republic of Yugoslavia had been playing a positive role. In the Russian Federation's view, that merited appropriate encouragement in the form of a further easing of the sanctions. At the very least, the Council should have made the partial suspension of the sanctions indefinite, as Russia itself had proposed. Instead, the draft resolution as extending the suspension of the sanctions for a reduced period of only 75 days, as was the case in the previous resolution. Moreover, a new preambular had appeared that referred to the importance of the cessation of military assistance to the Bosnian Serbs. In addition to the fact that that provision went beyond resolution 713 (1991), which established a general and complete embargo on all deliveries of weapons and military equipment, it was also particularly untenable with respect to assertions concerning the financing and coordination of air defence, and was in no way confirmed by ICFY reports. Most important, that provision was directed at one of the parties to the conflict, while the

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<sup>360</sup> *Ibid.*, pp. 5-6.

responsibility for the recent drastic deterioration of the situation there was borne not only and not so much by the Bosnian Serbs. His delegation could not agree with operative paragraph 3 which contained a call for mutual recognition between the successor States of the former Yugoslavia. That provision did not fit within the context of a generally technical and limited extension of the suspension of a minimal set of sanctions for a short period of time.<sup>361</sup>

The draft resolution was then put to the vote and was adopted by 14 votes to none, with one abstention (Russian Federation) as resolution 1003 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995 and 988 (1995) of 21 April 1995,

*Calling upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

*Noting* the measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 25 June 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good,

*Reaffirming* the importance of further efforts by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

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<sup>361</sup> *Ibid.*, pp. 6-7.

*Underlining* the particular importance it attaches to there being no provision of military assistance, in terms of finance, equipment, coordination of air defences or recruitment of troops, to the Bosnian Serb forces,

*Expressing its appreciation* for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and *underlining* the importance of the necessary resources being made available so as to strengthen the capacity of the Mission to carry out its tasks,

*Noting with satisfaction* that the Security Council Committee established pursuant to resolution 724 (1991) of 15 December 1991 has adopted streamlined procedures for expediting its consideration of applications concerning legitimate humanitarian assistance, as well as a number of measures facilitating legitimate trans-shipments via the Danube river,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 September 1995;

2. *Decides also* that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

3. *Renews its call* for early mutual recognition between the States of the former Yugoslavia within their internationally recognized borders, recognition between the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) being an important first step, and urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to take that step;

4. *Reaffirms its decision* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States observed that, whilst the ICFY Co-Chairmen had reported some improvement in the effectiveness of the border closure, they had also pointed out at some shortcomings in Belgrade's willingness to implement its decision to isolate the Bosnian Serbs. It was those shortcomings that made the United States Government unwilling to accept an extension of 100 days and to insist on 75 days. She recalled that the goal of extending limited sanctions relief to

Belgrade was to increase the pressure on the Bosnian Serbs to accept a settlement based on the Contact Group plan. The United States continued to believe that an effectively enforced border closure would help to achieve that goal. It was therefore disturbed by indications of increasing military cooperation between Belgrade and the Bosnian Serbs, including reports that the authorities of the Federal Republic of Yugoslavia were providing financial assistance and equipment to the Bosnian Serb army, cooperating with Bosnian Serb air defence systems, and returning draft-age Bosnian Serb males to Bosnia. If those reports were accurate, they would weaken the case for continuing the limited suspension of sanctions. Such violations would undermine the Council's key objective of persuading the Bosnian Serbs that there was no alternative to a negotiated solution. The speaker also expressed concern over reports of increased military support by Belgrade for the Croatian Serbs, and noted that her Government would pay close attention to the manner in which Belgrade continued to implement the border closure.<sup>362</sup>

The representative of China reiterated that his delegation opposed resorting to sanctions or mandatory actions in relation to the conflict in the former Yugoslavia, as facts had proven that sanctions or pressure would only further complicate the situation. The international community should encourage the efforts made by the Federal Republic of Yugoslavia by gradually removing the sanctions. China regretted that the views of all delegations had not been taken into account during the negotiating process on the draft resolution. As the main purpose of the draft, however, had been to continue the partial suspension of the sanctions, China had voted in favour of the resolution just adopted.<sup>363</sup>

**Decision** of 12 July 1995 (3553<sup>rd</sup> meeting): resolution 1004 (1995)

At its 3553<sup>rd</sup> meeting, on 12 July 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Honduras) then drew the attention of the Council

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<sup>362</sup> *Ibid.*, pp. 11-12.

<sup>363</sup> *Ibid.*, pp. 13-14.

members to the text of a draft resolution<sup>364</sup> submitted by France, Germany, Italy, the United Kingdom and the United States and read out a revision that had been made to the draft.

At the meeting, the representative of Bosnia and Herzegovina stated that by attacking Srebrenica and threatening Zepa, the Bosnian Serbs continued to realize their main goal: the elimination of the Contact Group plan and the strengthening of their own position with the goal of the legalization of the *fait accompli*. He recalled the statement made by his President, on 12 July 1995, in which he urged the United Nations and NATO to re-establish by force the violated safe zone of Srebrenica, and that tents, food and medicine be provided to the population expelled from that safe area. The speaker further noted that his Government preferred the full rehabilitation of the mandate of UNPROFOR and its strengthening. UNPROFOR had an obligation to defend safe areas since that defence had been used as a basis for the argument in favor of the maintenance of the arms embargo against Bosnia and Herzegovina. The establishment and activation of the rapid reaction force also could make a crucial contribution to the rehabilitation of the UNPROFOR mandate and UNPROFOR's capabilities in Bosnia and Herzegovina. That, combined with NATO activities, could help to reverse the situation in the country.<sup>365</sup>

The representative of Croatia expressed the concern of his Government at recent developments in the six safe areas in Bosnia and Herzegovina. He noted that both the decision by the Bosnian Serb leadership to renew its advances in the safe areas and the lack of an appropriate response by the international community posed serious risks to Croatia and the Bosnian Croat federation. Croatia was especially concerned about the situation in the safe area of Bihac. It would consider the displacement of the population to be a serious threat to its internal security and may be compelled to undertake measures to secure the status of Bihac as a safe area if that status ever became threatened. Croatia also would have to draw conclusions from the international community's lack of an

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<sup>364</sup> S/1995/560.

<sup>365</sup> *Ibid.*, pp. 2-4.

appropriate response to the situation in Srebrenica, in respect of the mandate of the United Nations in Croatia and the ability and willingness of UNCRO to achieve its objectives and to control Croatia's relevant international borders. It took the view that developments in Bosnia and Herzegovina were a consequence of the international community having ignored a serious increase in Serbia's interference in the occupied territories of Croatia and Bosnia and Herzegovina.<sup>366</sup>

Speaking before the vote, the representative of France noted that the action undertaken by the Bosnian Serbs against Srebrenica was of a different nature since it represented a deliberate intention on the part of the Bosnian Serbs to use force to occupy a safe area. He stated that the international community could not accept any questioning of the status of the safe areas. The draft resolution therefore called on the Secretary-General to take the necessary steps to bring about the withdrawal of Bosnian Serb forces from Srebrenica. In supporting that request, France did not wish to impose the use of any particular means. It was simply signifying its preparedness to make troops available for any operations the civilian and military authorities and the United Nations force might consider realistic and realizable.<sup>367</sup>

The representative of the Russian Federation condemned the actions of the Bosnian Serb army in violation of Security Council decisions on the safe areas in Bosnia and Herzegovina. His delegation concurred with the view that it was necessary to restore the demilitarized status of the safe area of Srebrenica. That task was complex, but in the Russian Federation's view, the solution would not be reached through the use of air power or through the withdrawal of United Nations forces from Bosnia. Rather, the secure and effective functioning of UNPROFOR should be ensured. Noting that the draft resolution mandated the Secretary-General to use all resources available to restore the status of the safe area, the speaker expressed the view that that provision precluded the option of using force, as that would exceed the existing mandate of the peacekeeping operation. It was also extremely important that efforts to restore the safe area status did

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<sup>366</sup> *Ibid.*, pp. 4-5.

<sup>367</sup> *Ibid.*, p. 5.

not violate UNPROFOR's impartiality. United Nations forces could not and should not undertake actions that would convert them into a party to the conflict. The Russian Federation fully concurred with the Secretary-General's view that attacks launched from safe areas were inconsistent with the safe area concept and precipitated a disproportionate response from the Bosnian Serbs. The Russian Federation also agreed with the Secretary-General that the only way to make safe areas truly safe was to define a régime acceptable to both parties and to promote mutual respect for that régime.<sup>368</sup>

The draft resolution was then put to the vote, as orally revised in its provisional form, and it was adopted unanimously as resolution 1004 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions,

*Reaffirming its commitment* to the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Gravely concerned* at the deterioration in the situation in and around the safe area of Srebrenica, Republic of Bosnia and Herzegovina, and at the plight of the civilian population there,

*Gravely concerned also* at the very serious situation which confronts personnel of the United Nations Protection Force and a great number of displaced persons within the safe area at Potocari, especially the lack of essential food supplies and medical care,

*Paying tribute* to the United Nations Protection Force personnel deployed in the safe area of Srebrenica,

*Condemning* the offensive by the Bosnian Serb forces against the safe area of Srebrenica and, in particular, the detention by the Bosnian Serb forces of United Nations Protection Force personnel,

*Condemning also* all attacks on United Nations Protection Force personnel,

*Recalling* the agreement of 18 April 1993 (S/25700, annex) by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Serb party for the demilitarization of Srebrenica, and regretting that it has not been implemented in full by either party,

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<sup>368</sup> *Ibid.*, pp. 9-10.

*Stressing* the importance of renewed efforts to achieve an overall peaceful settlement, and the unacceptability of any attempt to resolve the conflict in the Republic of Bosnia and Herzegovina by military means,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Bosnian Serb forces cease their offensive and withdraw from the safe area of Srebrenica immediately;

2. *Demands also* that the parties respect fully the status of the safe area of Srebrenica in accordance with the agreement of 18 April 1993;

3. *Demands further* that the parties respect fully the safety of United Nations Protection Force personnel and ensure their complete freedom of movement, including resupply;

4. *Demands* that the Bosnian Serb forces immediately and unconditionally release unharmed all detained United Nations Protection Force personnel;

5. *Demands also* that all parties allow unimpeded access for the Office of the United Nations High Commissioner for Refugees and other international humanitarian agencies to the safe area of Srebrenica in order to alleviate the plight of the civilian population and, in particular, that they cooperate on the restoration of utilities;

6. *Requests* the Secretary-General to use all resources available to him to restore the status, as defined by the agreement of 18 April 1993, of the safe area of Srebrenica in accordance with the mandate of the United Nations Protection Force, and calls upon the parties to cooperate to that end;

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

Speaking after the vote, the representative of the United States stated that the resolution just adopted must be the beginning of “credible resolve”. She further stated that, peaceful means were to be preferred, but when “brutal force” was used the Secretary-General must have the right to use the resources available, in consultation with the relevant troop contributors, to meet the humanitarian needs of the civilian population and to achieve lasting peace. The United States therefore believed that UNPROFOR must remain in Bosnia, supported by the rapid reaction force. The leadership of UNPROFOR would have to make tough decisions in the days ahead. The United States further believed that the role of NATO would be vital to decisions in support of UNPROFOR. It



supported the full and speedy deployment of the rapid reaction force and was prepared to provide the necessary air and logistical resources for the purpose.<sup>369</sup>

The representative of China stated that his delegation had voted in favour of the resolution just adopted because it was aimed at protecting the Srebrenica safe area, stopping offensives against UNPROFOR, and preventing the further deterioration of the humanitarian situation. China nevertheless had reservations about taking enforcement action by invoking Chapter VII of the Charter, as set forth in the resolution. It was also concerned at the serious political and military consequences that might result from the actions authorized by the resolution, including the possibility that the peacekeeping force could become a party to the conflict and thus lose the basis of its continued existence.<sup>370</sup>

**Decision** of 14 July 1995 (3554<sup>th</sup> meeting): statement by the President

At its 3554<sup>th</sup> meeting, on 14 July 1995, the Council resumed its consideration of the item. 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 (Honduras) drew the attention of the members of the Council to several documents<sup>371</sup> and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>372</sup> on behalf of the Council:

"The Security Council recalls its resolution 1004 (1995). The Council is deeply concerned about the ongoing forced relocation of tens of thousands of civilians from the Srebrenica safe area to the Tuzla region by the Bosnian Serb party. Such forced relocation is

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<sup>369</sup> *Ibid.*, pp. 10-11.

<sup>370</sup> *Ibid.*, pp. 12-13.

<sup>371</sup> S/1995/563, letter dated 12 July 1995 from the representative of Morocco addressed to the President of the Security Council, transmitting a statement adopted on 11 July 1995 by the OIC Contact Group at its meeting on the situation in Bosnia and Herzegovina; S/1995/571, letter dated 13 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1995/572 and S/1995/573, letters dated 13 July 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General; and S/1995/574, letter dated 12 July 1995 from the representative of Spain addressed to the Secretary-General, transmitting the text of a *communiqué* of the same date, issued by the Presidency of the European Union, on Srebrenica.

<sup>372</sup> S/PRST/1995/32.

a clear violation of the human rights of the civilian population. It is especially concerned about reports of grave mistreatment and killing of innocent civilians. It is equally concerned about reports that up to 4,000 men and boys have been forcibly removed by the Bosnian Serb party from the Srebrenica safe area. It demands that in conformity with internationally recognized standards of conduct and international law the Bosnian Serb party release them immediately, respect fully the rights of the civilian population of the Srebrenica safe area and other persons protected under international humanitarian law and permit access by the International Committee of the Red Cross.

"The Council again condemns the unacceptable practice of ethnic cleansing and reaffirms that those who have committed or have ordered the commission of such acts will be held individually responsible in respect of such acts.

"The Council demands that the Bosnian Serb party immediately allow unimpeded access to the civilian population of the Srebrenica safe area by international humanitarian organizations and cooperate with any procedure established by those organizations to determine which civilians wish to depart from the area of Srebrenica. It further demands that the Bosnian Serb party respect fully the rights of those civilians who wish to remain in the safe area and cooperate with efforts to ensure that civilians who wish to depart are allowed to do so with their families in an orderly, safe way in conformity with international law.

"The Council demands that both sides allow the unhindered movement of humanitarian relief and cooperate with efforts by international organizations and agencies and concerned Governments to provide food, medicine, facilities and housing to the displaced.

"The Council reiterates its demand that the Bosnian Serb forces immediately and unconditionally release unharmed all detained personnel of the United Nations Protection Force and that the parties respect fully the safety of all Force personnel and ensure their complete freedom of movement.

"The Council pays tribute to all the personnel of the United Nations Protection Force and of the Office of the United Nations High Commissioner for Refugees, especially those deployed in the area of Srebrenica. It notes that the presence and bravery of the troops has undoubtedly saved the lives of many civilians in the Srebrenica area."

**Decision** of 20 July 1995 (3556<sup>th</sup> meeting): statement by the President

By a letter dated 17 July 1995 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina transmitted a letter of the same date from

the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council. In that letter, the Foreign Minister reported that attacks against the safe area of Zepa were continuing and requested an emergency meeting of the Security Council to consider security measures and the safe evacuation of the civilian population from Zepa.

At its 3556<sup>th</sup> meeting, held on 20 July 1995 in response to the request contained in the above letter, the Council included the letter in its agenda. 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 (Honduras) drew the attention of the members of the Council to a number of documents<sup>373</sup> and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>374</sup> on behalf of the Council:

"The Security Council, recalling its previous resolutions, is deeply concerned by the situation in and around the safe area of Zepa. It condemns in the strongest possible terms the offensive by the Bosnian Serb forces against the safe area. The Council is also concerned in particular at the plight of the civilian population there.

"The Council attaches the utmost importance to the safety and well-being of the civilian population in Zepa. It demands that the Bosnian Serb forces refrain from any further action that threatens the safety of that population and that they respect fully the rights of the civilian population and other persons protected under international humanitarian law. The Council reaffirms its condemnation of all violations of international humanitarian law, and reiterates to all concerned that those who have committed or ordered the commission of such acts will

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<sup>373</sup> S/1995/576, letter dated 14 July 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General; S/1995/577, letter dated 14 July 1995 from the representative of the Ukraine addressed to the Secretary-General; S/1995/579, letter dated 14 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1995/581, letter dated 14 July 1995 from the representative of Iraq addressed to the President of the Security Council, transmitting the declaration issued by the Group of Arab States at its meeting of the same date; S/1995/583, letter dated 17 July 1995 from the representative of Hungary addressed to the Secretary-General, transmitting the text of a statement by the Chairmen-in-Office of the OSCE concerning the situation in Bosnia and Herzegovina; S/1995/584, letter dated 17 July 1995 from the representative of Malaysia addressed to the Secretary-General; S/1995/589, letter dated 18 July 1995 from the representative of Egypt addressed to the President of the Security Council; S/1995/590, letter dated 17 July 1995 from the representative of the Ukraine addressed to the Secretary-General; and S/1995/598, letter dated 19 July 1995 from the representative of Jordan addressed to the Secretary-General.

<sup>374</sup> S/PRST/1995/33.

be held individually responsible in respect of such acts. It reminds the military and political leaders of the Bosnian Serb party that this responsibility extends to any such acts committed by forces under their command.

"The Council underlines the importance it attaches to the fullest cooperation with the Office of the United Nations High Commissioner for Refugees and other international humanitarian organizations and demands that they be given unhindered freedom of movement and access to that area. It further demands that the Bosnian Serb authorities cooperate with all efforts, including those of the United Nations Protection Force, to ensure the safety of the civilian population and, in particular, its most vulnerable members, including evacuation as requested by the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina in his letter of 17 July 1995.

"The Council strongly condemns the recent acts of violence and intimidation which have occurred against United Nations Protection Force personnel. It demands that both parties ensure the safety and freedom of movement of Force personnel at all times."

**Decision** of 25 July 1995 (3557<sup>th</sup> meeting): statement by the President

By a letter<sup>375</sup> dated 24 July 1995 addressed to the President of the Security Council, the representative of Bosnia and Herzegovina, in light of the deteriorating situation in the safe area of Zepa and the imminent threat to its civilian population, requested an emergency meeting of the Security Council, to address the immediate and urgent need for all measures to be taken to ensure a safe and UNPROFOR-escorted evacuation of the civilian population of Zepa.

At its 3557<sup>th</sup> meeting, held on 25 July 1995 in response to the request contained in the above letter, the Council included the letter in its agenda. 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 (Honduras) drew the attention of the members of the Council to several documents<sup>376</sup> and

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<sup>375</sup> S/1995/610.

<sup>376</sup> S/1995/611, letter dated 25 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting a letter of the same date from the President of Bosnia and Herzegovina addressed to the President of the Security Council; S/1995/612, letter dated 25 July 1995 from the representative of Morocco addressed to the President of the Security Council; S/1995/613, letter dated 24 July 1995 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council; and S/1995/617, letter dated 25 July 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security

stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>377</sup> on behalf of the Council:

"The Security Council is deeply concerned about the situation in and around the safe area of Zepa in the Republic of Bosnia and Herzegovina. The Council notes the letter of 25 July 1995 from the President of the Republic of Bosnia and Herzegovina to the President of the Security Council.

"The Council reaffirms its previous relevant resolutions and the statement by its President of 20 July 1995. It reiterates in the strongest possible terms its condemnation of the Bosnian Serb offensive against the safe area and demands that the Bosnian Serbs comply fully with the requirements set out in that statement as well as its earlier resolutions. The Council further demands that Bosnian Serb forces withdraw from the safe areas of Srebrenica and Zepa.

"The Council remains particularly concerned at the plight of the civilian population and other persons protected under international humanitarian law in the Zepa area. It welcomes and supports the efforts being made by the United Nations Protection Force and the international humanitarian agencies, as requested by the President of the Republic of Bosnia and Herzegovina, to achieve a safe evacuation of those civilians who wish to leave and stresses the importance it attaches to the success of these efforts. It requests the Secretary-General to use all resources available to him to that end and calls upon the parties to cooperate.

"The Council demands that the United Nations Protection Force and the international humanitarian agencies be provided with immediate and unhindered access to the population of the area and, in particular, that the Bosnian Serb party provide access for representatives of the International Committee of the Red Cross to all civilians who decide to remain and permit the International Committee of the Red Cross to register any persons detained against their will and visit them immediately."

**Decision** of 10 August 1995 (3564<sup>th</sup> meeting): resolution 1010 (1995)

At its 3564<sup>th</sup> meeting, on 10 August 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representative

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Council.

<sup>377</sup> S/PRST/1995/34.

of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (Indonesia) then drew the attention of the Council members to the text of a draft resolution<sup>378</sup> prepared in the course of the Council's prior consultations and to two other documents.<sup>379</sup>

At the meeting, the representative of Bosnia and Herzegovina stated that the draft resolution was a small step forward. Nevertheless, it was a resolution that more clearly articulated care, even though it might be irreparably late for many. The draft did not mention the destiny of those refugees from Zepa who had fled to Serbia. Bosnia and Herzegovina requested international humanitarian organizations to register those refugees and to prevent their disappearance or further abuse in violation of the Geneva Conventions and humanitarian law. The Bosnian delegation also looked forward to the report by the Secretary-General on these issues, as requested by the Council in the draft resolution.<sup>380</sup>

Speaking before the vote, the representative of Germany stated that his country had taken the initiative which had led to the draft resolution because it was appalled and alarmed. Several weeks after the fall of Srebrenica and Zepa, the whereabouts of about 7,000 to 8,000 male Bosnians who were taken prisoners by Serbian Serbs were still unknown. According to the latest update by the ICRC, only 164 detainees from Srebrenica and 44 from Zepa had been registered. Germany insisted that immediate access be granted to international humanitarian organizations to all detainees from Srebrenica and Zepa and that the civilian Bosnians taken prisoner be released immediately. It condemned the persistent refusal by the Bosnian Serbs to allow such access to ICRC representatives. That practice constituted a violation of international

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<sup>378</sup> S/1995/677.

<sup>379</sup> S/1995/674, letter dated 8 August 1995 from the representative of Kazakhstan addressed to the Secretary-General; S/1995/679, letter dated 9 August 1995 from the representative of the Sudan addressed to the Secretary-General.

<sup>380</sup> S/PV.3564, pp. 2-3.

humanitarian law. The speaker also urged United Nations representatives to continue their efforts to obtain information on the missing men.<sup>381</sup>

The representative of the Russian Federation expressed concern at reports of flagrant violations of the norms of international humanitarian law in Srebrenica, which should be duly investigated, as well as at the unavailability of information on the whereabouts of many former inhabitants of Srebrenica. Russia supported the demand in the draft resolution that the Bosnian Serbs grant representatives of UNHCR, the ICRC and other international humanitarian agencies access to those who had been displaced from Srebrenica and Zepa. It also expected all prisoners of war to be treated in accordance with international norms and noted that, if the Secretary-General were to confirm that violations of international humanitarian law had indeed taken place, then the Council would have to respond appropriately. The speaker noted that the lesson to be drawn from events in Srebrenica and Zepa was that there was a need to address the concept of safe areas and the modalities for its implementation. It was important to determine what kind of safe area was acceptable to both sides. In addition, the relevant agreements should include provision for the demilitarization of all territories. He contended that if that had been done earlier, the tragic events in and around Zepa and Srebrenica might have been avoided.<sup>382</sup>

The representative of the United States stated that Srebrenica and Zepa should not be forgotten because they were areas for which the Council had assumed a special responsibility. They were United Nations protected safe areas, where the Council hoped its authority and legitimacy would offer protection from violence and attack. Tragically, the authority of the Council and the good opinion of the world appeared to mean little to the Bosnian Serb leadership. The Council had a responsibility to investigate what had happened and to ensure that those responsible were brought to justice. Turning to the resolution, the speaker noted the demand that the Bosnian Serbs give immediate access to persons displaced from Srebrenica and Zepa, as well as the demand that access be

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<sup>381</sup> *Ibid.*, pp. 3-4.

<sup>382</sup> *Ibid.*, pp. 5-6.

granted to detained persons and that the rights of those persons be respected. He also noted the resolution's reiteration that those who had violated international humanitarian law would be held accountable as individuals for their acts. Establishing the truth about what had happened in Srebrenica was essential not only to justice, but to peace. Responsibility for the atrocities lay with the individuals who had ordered and committed the crimes and true reconciliation would not be possible until the perception of collective guilt had been expunged and personal responsibility assigned.<sup>383</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1010 (1995). The resolution reads as follows:

*The Security Council,*  
*Recalling* all its earlier relevant resolutions, and reaffirming its resolution 1004 (1995) of 12 July 1995,  
*Reaffirming* the statements by its President of 20 and 25 July 1995, and deeply concerned that the demands set out therein have not been fully complied with by the Bosnian Serb party,  
*Reiterating* the unacceptability of the violation of the safe areas of Srebrenica and Zepa by Bosnian Serb forces,  
*Reaffirming its commitment* to the sovereignty, territorial integrity and independence of the Republic of Bosnia and Herzegovina,  
*Affirming 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 stressing the importance it attaches to the mutual recognition thereof,  
*Deeply concerned* at reports of grave violations of international humanitarian law in and around Srebrenica and at the fact that many of the former inhabitants of Srebrenica cannot be accounted for,  
*Concerned also* at the plight of the civilian population and other persons protected under international humanitarian law, originating in the Zepa area,  
*Expressing its strong support* for the efforts of the International Committee of the Red Cross in seeking access to displaced persons, and condemning the failure of the Bosnian Serb

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<sup>383</sup> *Ibid.*, pp. 6-7.



party to comply with their commitments to the International Committee of the Red Cross in respect of such access,

1. *Demands* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate access to persons displaced from Srebrenica and Zepa who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross to visit and register any persons detained against their will, including any members of the forces of the Republic of Bosnia and Herzegovina;

2. *Also demands* that the Bosnian Serb party respect fully the rights of all such persons and ensure their safety, and urges that any persons detained be released;

3. *Reiterates* that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

4. *Requests* the Secretary-General to report to the Council as soon as possible, and no later than 1 September 1995, with any information available to United Nations personnel regarding compliance with the present resolution and concerning violations of international humanitarian law;

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

Speaking after the vote, the representative of France noted that the Council requested the Secretary-General to report to the Council before the end of the month on the implementation of the resolution just adopted, and on the measures taken to end violations of humanitarian law. He, however, warned that the Council might have to take action before that date arguing that it owed it to itself to remain vigilant on a question which involved the fate of thousands of civilians subjected to vile and barbaric treatment.

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**Decision** of 7 September 1995 (3572<sup>nd</sup> meeting): statement by the President

On 30 August 1995, pursuant to resolution 1010 (1995), the Secretary-General submitted to the Council a report<sup>385</sup> concerning events in Srebrenica and Zepa. The Secretary-General reported that despite repeated requests by his Special Representative,

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<sup>384</sup> *Ibid.*, p. 7.

<sup>385</sup> S/1995/755.

the Bosnian Serb authorities had refused access to persons displaced from Srebrenica and Zepa, making it impossible to collect direct, first-hand evidence of the extent to which the Bosnian Serbs had respected the rights of displaced persons. There was significant *prima facie* evidence, however, that violations of international humanitarian law had occurred during and after the Bosnian Serb offensive on Srebrenica. The Secretary-General thus recommended that the Council reiterate its urgent call to the Bosnian Serb leadership to authorize immediate and full access to displaced persons. Such access should include the possibility for an impartial international investigation to take place and remained a crucial step in ascertaining the full extent of violations of international humanitarian law and human rights and in addressing any persisting abuses.

At its 3572<sup>nd</sup> meeting, on 7 September 1995, the Council included the above report in its agenda. 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 (Italy) then stated that, after consultations among members of the Council, he had been authorized to make the following statement<sup>386</sup> on behalf of the Council:

"The Security Council has considered the report of the Secretary-General of 30 August 1995 submitted pursuant to its resolution 1010 (1995) of 10 August 1995.

"The Council strongly condemns the failure of the Bosnian Serb party to comply with the demands contained in resolution 1010 (1995). The Bosnian Serb party's refusal to cooperate with the United Nations High Commissioner for Refugees and the International Committee of the Red Cross cannot but reinforce the deep concern expressed in that resolution and in previous resolutions and statements.

"The Council stresses its determination that the fate of persons displaced from Srebrenica and Zepa be established. It reaffirms its demands to the Bosnian Serb party to give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate access to such persons who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and to permit representatives of the International Committee of the Red Cross to visit and register any persons detained against their will.

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<sup>386</sup> S/PRST/1995/43.

"The Council also reaffirms its demands to the Bosnian Serb party to respect fully the rights of all such persons, to ensure their safety and to release them.

"The Council reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts.

"The Council takes note of the investigations that are being carried out by the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993). The Council reiterates in this context that all States shall cooperate fully with the Tribunal and its organs, including by providing access to sites the Tribunal deems important for its investigations.

"The Council requests the Secretary-General to continue his efforts and to report to the Council no later than 6 October 1995 regarding compliance with resolution 1010 (1995) and any further relevant information that may become available.

"The Security Council will remain actively seized of the matter."

#### **Consideration of the item** at the 3575<sup>th</sup> meeting (8 September 1995)

At its 3575<sup>th</sup> meeting, on 8 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Pakistan, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address it in the course of the subsequent discussion. The President (Italy) then drew the attention of the Council members to several documents.<sup>387</sup>

At the meeting, the representative of the Russian Federation noted that his country had requested an urgent meeting of the Security Council, to consider the situation that had arisen in Bosnia and Herzegovina as a result of the bombing of Bosnian Serb

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<sup>387</sup> Letter dated 7 September 1995 from the representative of the Russian Federation addressed to the Secretary-General (S/1995/776); letter dated 7 September 1995 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council (S/1995/778); letter dated 8 September 1995 from the representatives of France, Germany, the Russian Federation

, the United Kingdom and the United States addressed to the Secretary-General (S/1995/780).

positions by NATO aircraft. Russia was convinced that NATO's air strikes and the shelling of the Bosnian Serbs by the Rapid Reaction Force were undermining, rather than strengthening, efforts to reach a political settlement. Such steps were beyond the decisions of the Security Council, changing the peacekeeping character of the United Nations operation in Bosnia and involving the international community in a conflict against one of the parties. The speaker also raised a number of objections to the manner in which the air strikes had proceeded. Firstly, the agreed procedures for the use of force in Bosnia and Herzegovina had been seriously violated. Consultations had not been held with members of the Council, despite the stipulation in resolution 844 (1993) that they should take place, and the members of the Council had not been informed in a timely fashion of the actions taken. Those oversights were particularly inadmissible because the actions represented a qualitative change in the nature of the use of force. Secondly, the bombing and shelling had been "disproportionate and excessive". Thirdly, there had been a qualitative change in the "dual key" procedure, meaning that the United Nations had no authority to end the use of force without NATO's agreement. Fourthly, apparently a memorandum of understanding had been drawn up between NATO and the United Nations concerning the use of air power under the new conditions, according to which force would be applied to areas outside the boundaries of Bosnia and Herzegovina. Such a use of air power would be in direct violation of the resolutions of the Council. Lastly, the active participation of the Rapid Reaction Force exceeded its mandate, as set out in resolution 988 (1995). The recent actions had not been taken to protect United Nations personnel and humanitarian convoys. Rather, they amounted to virtual participation in military action against one side. Thus, the Rapid Reaction Force no longer remained impartial, even though it remained an integral part of the United Nations peacekeeping operation in Bosnia.<sup>388</sup>

The representative of the United Kingdom stated that his delegation was confident that the recent United Nations/NATO action in Bosnia had been appropriate and justified. The action had had clear and specific objectives, designed to protect the safe areas in line

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<sup>388</sup> S/PV.3575, pp. 2-4.

with Security Council resolutions. If the Bosnian Serbs were to comply with the requirements explained to them by the United Nations commanders, then the action would end.<sup>389</sup>

The representative of the France emphasized that the military action taken by the United Nations and NATO had been the outcome of decisions taken at the London Conference of July 1994, as part of a plan to protect the safe areas. Those operations had been triggered by the shelling of the Sarajevo market and had been based upon the “dual key” mechanism, whose legitimacy was beyond reproach, and on respect for the prerogatives of the Council and the responsibilities of the United Nations. He further stated that military firmness was an essential condition for the success of diplomatic action. It was essential that the siege of Sarajevo be lifted, that heavy weapons be withdrawn beyond the exclusion zone, and that all attacks against the safe areas cease.<sup>390</sup>

The representative of the United States stated that in order to defend the possibility of a diplomatic solution, the international community had had no choice but to respond forcefully to the Bosnian Serb attack on the Sarajevo marketplace. The Bosnian Serbs had been warned that continued attacks on the safe areas would lead to a strong response. They had chosen to ignore that warning and must accept the consequences of their actions. The United Nations and NATO had made it clear that they were not at war with the Bosnian Serbs. The air strikes would end as soon as the Bosnian Serb leadership complied with certain conditions, which called for nothing more than the implementation of Security Council resolutions. The speaker further noted that these actions were fully authorized by Security Council resolutions. The Security Council had created the safe areas and had given UNPROFOR the mandate to deter attacks and it should support UNPROFOR’s efforts to implement that mandate.<sup>391</sup>

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<sup>389</sup> *Ibid.*, p. 4.

<sup>390</sup> *Ibid.*, pp. 4-5.

<sup>391</sup> *Ibid.*, pp. 5-6.

The representative of Nigeria stated that the NATO air strikes had been an appropriate and measured response to the recent attack by the Bosnian Serb forces against a civilian center. At the same time, however, Nigeria regretted that it had become necessary to employ such force. Nigeria hoped that the air strikes had not done irreparable harm to the neutrality of the United Nations. It was not too late to make a reassessment of strategy.<sup>392</sup>

The representative of China welcomed the progress achieved in Geneva. He noted, however, that his country was not in favour of using air strikes to exert pressure. Taking such action would further complicate the situation and create obstacles to a political settlement. In light of the progress achieved, it was necessary to cease the air strikes immediately, in order to create an environment conducive to a political settlement.<sup>393</sup>

The representative of Bosnia and Herzegovina stated that her Government fully supported the United Nations and NATO action against military targets of the Bosnian Serbs and considered the legitimacy of such actions to be beyond doubt, as they were being taken in accordance with resolution 836 (1993).<sup>394</sup>

The representative of Croatia stated that his country supported the operation of NATO in Bosnia. Croatia believed that it was necessary to continue exerting pressure on the Bosnian Serb party, and that NATO's course of action would decisively assist to bring about an overall lasting peaceful settlement in the region. It was assisting in that effort by allowing the use of its airspace by NATO air forces, and providing the use of its ports for the rapid reaction capacity of UNPROFOR. While supporting the newest peace initiative, the speaker emphasized the importance of mutual recognition of the countries in the former Socialist Federal Republic of Yugoslavia. It was essential to protect and unconditionally respect all international borders and territorial integrity of all the

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<sup>392</sup> *Ibid.*, pp. 7-8.

<sup>393</sup> *Ibid.*, p. 8.

<sup>394</sup> *Ibid.*, pp. 10-11.

successor States of the former Socialist Federal Republic of Yugoslavia. His delegation also stated that Croatia did not find encouragement in the reluctance of the Federal Republic of Yugoslavia to subscribe to the basic principle of the peaceful reintegration of Eastern Slavonia into the rest of Croatia.<sup>395</sup>

Mr. Djokic demanded that the Security Council take urgent measures to end the NATO air strikes and attacks by the Rapid Reaction Force against Bosnian Serb military and civilian targets. Noting that NATO air strikes had commenced as a retaliation for the shelling of Sarajevo, the speaker contended, however, that the scale, intensity and duration of the strikes went far beyond retaliatory measures, and their clear aim was to inflict serious injury on the Bosnian Serb military capability, economic infrastructure and even civilian facilities. Moreover, the scope and intensity of the bombing had greatly exceeded the mandate given to the Secretary-General and NATO by relevant Security Council resolutions with the aim of protecting the safe areas in Bosnia and Herzegovina. By departing from the traditional principles of peacekeeping, neutrality and impartiality, the United Nations and NATO had set out on a “slippery slope”, which could lead to further involvement on the side of the Bosnian Muslims and full-scale war against the Bosnian Serbs. At a time when a just and lasting peace was at last within reach, it was essential that that opportunity should not be missed, and that NATO air strikes be stopped.<sup>396</sup>

The representative of Ukraine stated that in view of the very encouraging progress which had been achieved in the process of securing a peace settlement in the Balkans, it would be desirable to review the question of putting an end to any further bombing of military targets belonging to the Bosnian Serbs by NATO. Such a step would help create a favourable atmosphere at the talks and help to strengthen trust between the parties. A

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<sup>395</sup> *Ibid.*, p.12.

<sup>396</sup> *Ibid.*, pp. 12-13.

second matter, of even greater immediacy, was the question of lifting economic sanctions against the FRY.<sup>397</sup>

During the debate, other speakers supported the air operation conducted by NATO which was consistent with Security Council resolutions, and in particular resolution 836 (1993).<sup>398</sup> Some were of the view that the operation should continue until its objectives were fully met.<sup>399</sup>

**Decision** of 8 September 1995 (3576<sup>th</sup> meeting): statement by the President

At its 3576<sup>th</sup> meeting, on 8 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Italy) drew the attention of the members of the Council to a letter<sup>400</sup> dated 8 September 1995 from the representatives of France, Germany, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General, transmitting the text of the Joint Statement and Agreed Basic Principles signed on 8 September 1995, in Geneva, by the Ministers of Foreign Affairs of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). He then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>401</sup> on behalf of the Council:

"The Security Council welcomes the meeting of the Ministers for Foreign Affairs of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) held under the auspices of the Contact Group in Geneva on 8 September 1995. It welcomes the joint statement issued at the conclusion of that

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<sup>397</sup> *Ibid.*, pp. 13-14.

<sup>398</sup> *Ibid.*, Germany, pp.6-7; Czech Republic, p.7; Indonesia, pp.8-9; Argentina, p.9; Egypt, p.14-15; Turkey, p.16; Pakistan, pp.16-17.

<sup>399</sup> *Ibid.*, Egypt, pp. 14-15; Turkey, p.16.

<sup>400</sup> S/1995/780.

<sup>401</sup> S/PRST/1995/45.



meeting and in particular the agreement by the parties on the Agreed Basic Principles. It strongly urges the parties to negotiate in good faith and expeditiously on the basis of those Principles with the aim of achieving a lasting peace throughout the region."

**Decision** of 15 September 1995 (3578<sup>th</sup> meeting): resolution 1015 (1995)

By a letter<sup>402</sup> dated 6 September 1995 addressed to the President of the Security Council, the Secretary-General transmitted the report of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). The report contained the certification referred to in resolution 1003 (1993).<sup>403</sup>

At its 3578<sup>th</sup> meeting, on 15 September 1995, the Council included the above letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Bulgaria, Croatia and Ukraine, at their request, to participate in the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution<sup>404</sup> submitted by the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.

At the meeting, the representative of Bosnia and Herzegovina stated that the findings of his Government differed drastically from those of the ICFY Mission. According to the Bosnian Government, deliveries of military assistance from the Federal Republic of Yugoslavia to the Bosnian Serbs had doubled between January and July. His delegation was surprised that the draft resolution before the Council supported the suspension of sanctions against the FRY for 180 days. At the same time it believed that the time "when the international community was willing to be deceived by the regime in

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<sup>402</sup> S/1995/768.

<sup>403</sup> See footnote 300.

<sup>404</sup> S/1995/789.

Belgrade was irretrievably gone". Bosnia hoped that the latest peace initiative would mean that the draft resolution would be the last in a series of sanctions resolutions.<sup>405</sup>

The representative of Ukraine considered the draft resolution to constitute a recognition by the international community of the desire of the Federal Republic of Yugoslavia to cooperate for a peaceful settlement. Ukraine believed, however, that the continuation of the suspension of sanctions for a further 180 days was an inadequate step. Rather, the Council should be considering lifting the sanctions altogether. A first step in that direction could be renewing transit to the Federal Republic of Yugoslavia of a list of individual products, together with a lifting of the ban on trade in products not regarded as strategic. In that connection, Ukraine welcomed paragraph 3 of the draft resolution, which made it possible for the Council to consider adjustments to the sanctions régime. Before concluding, the speaker stated that the process for lifting the sanctions could take place at the same time as the process of mutual recognition of the successor States of the former Yugoslavia.<sup>406</sup>

The representative of Bulgaria, referring to the continuing sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), noted that Bulgaria, as a State Member of the United Nations that was strictly observing the sanctions regardless of their devastating effect on its economy, hoped that the peace process might lead to a discussion about the suspension and gradual lifting of the sanctions. Recalling the statement of 18 May by the Foreign Ministers of Bulgaria, Greece, Moldova, Romania and Ukraine, which had expressed concern at the overall situation in the region aggravated by the sanctions, the speaker reiterated his Government's support for the concrete proposals made by the Foreign Ministers to mitigate the impact of the sanctions. He further emphasized that one of the major challenges facing the United Nations was the

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<sup>405</sup> S/PV.3578, pp. 2-3.

<sup>406</sup> *Ibid.*, pp. 3-5.

extent to which it would be able to resolve the special economic problems of non-target countries affected by the implementation of sanctions.<sup>407</sup>

The representative of Croatia noted that his delegation believed that the sanctions were still one of the most effective instruments of the international community for bringing an end to the conflict. Eliminating that instrument would undermine the established balance and the international community's leverage. His delegation also believed that the gradual lifting of the sanctions against Belgrade must be related to deeds and not promises. It also reminded the Council that resolution 871 (1993) had clearly established the linkage between ending Belgrade's economic and political isolation, and its cooperation in ending the occupation of parts of Croatia. It warned that any exclusion of the question of the remaining occupied territories of Croatia from the comprehensive peace plan, including delinking them from the sanctions against Belgrade, would inevitably force the Croatian Government to consider other legitimate means of restoring its sovereignty.<sup>408</sup>

Speaking before the vote, the representative of Indonesia took note of the certification issued by the ICFY Mission. At the same time, Indonesia was concerned by the continued shortcomings experienced in the border closure and, in particular, by the fact that uniformed personnel were continuing to cross the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina. Clearly, it was possible to improve the closure of the border. Indonesia would vote in favour of the draft resolution, however, for it believed that the closure of the border remained an instrumental pillar for the achievement of a negotiated settlement.<sup>409</sup>

The representative of China noted that the Federal Republic of Yugoslavia had made many efforts to implement the relevant resolutions of the Council, including continuing to meet its commitment to close the border with Bosnia and Herzegovina.

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<sup>407</sup> *Ibid.*, pp. 5-6.

<sup>408</sup> *Ibid.*, pp. 6-7.

<sup>409</sup> *Ibid.*, pp. 7-8.

China was of the view that Belgrade's efforts to meet its commitments should be recognized and encouraged by the Council, through concrete action. China would vote in favour of the draft resolution extending the partial suspension of sanctions against the FRY to 180 days. In keeping with its position on sanctions, however, China was not in favour of using pressure tactics such as mandatory sanctions in the region of the former Yugoslavia, for such steps would only complicate the issue and hurt innocent civilians. China therefore believed that the Council should lift the sanctions against the Federal Republic of Yugoslavia and ease the remaining economic sanctions. Such a step would alleviate the suffering of the people in the Federal Republic of Yugoslavia, facilitate the economic development of all the countries of the region, and contribute to restoring peace and stability.<sup>410</sup>

The representative of the Russian Federation stated that, in his delegation's view, the draft resolution was a significant improvement over previous resolutions on the subject, in particular because it did not contain provisions pertaining to Belgrade's decision to close the border to all but humanitarian deliveries. Another step in the right direction was the substantial increase in the time-frame for the next suspension of some sanctions. In light of those factors, Russia would support the draft. In a broader context, it believed that the constructive policy of the Yugoslav leadership should meet with an appropriate response from the international community. The sanctions should be lifted without delay, as their retention was hindering efforts to reach a political settlement. Given Russia's position in favour of an immediate lifting of the sanctions, it took note of paragraph 3, reaffirming the Council's decision to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in light of further progress. Such steps towards a further easing of sanctions might be adopted at any time, without waiting for the resolution's deadline to expire.<sup>411</sup>

The representative of Honduras stated that maintaining sanctions indefinitely would not help to resolve the conflict. Honduras hoped that lifting the sanctions would

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<sup>410</sup> *Ibid.*, p. 8.

<sup>411</sup> *Ibid.*, pp. 8-9.

lighten the burden upon the economic and social development of the Federal Republic of Yugoslavia and neighbouring countries. It further hoped that the draft resolution would motivate the Belgrade authorities to continue cooperating with the international community, so that the Council might consider revoking the sanctions régime.<sup>412</sup>

The representative of Botswana stated that the proposed length of the suspension of aspects of the sanctions was a clear recognition of the positive role played by Belgrade in the peace process in recent weeks. Botswana welcomed the agreement signed the previous day for the withdrawal of the Bosnian Serb heavy weapons from Sarajevo. Turning to the question of the air strikes, the speaker cautioned against the appearance of partiality by the United Nations in the Balkan conflict. The shelling of the Sarajevo marketplace in Sarajevo had constituted a cynical provocation against the authority of the United Nations and deserved a strong response. The United Nations should, however, avoid the appearance of taking sides. It could not wage war in Bosnia and hope to make peace at the same time, without compromising the execution of one of those aims. Furthermore, it was critical that the Council guard against losing control of the transfer of authority of the United Nations to regional arrangements. In such situations, the United Nations should never assume the position of a bystander in an operation that was supposed to be under the command and control of the Council.<sup>413</sup>

The representative of Nigeria noted with satisfaction Belgrade's continuing political commitment to the closure of the border. Nigeria was concerned, however, at reports of continuing violations of that border. It therefore called on Belgrade to take adequate steps to put a stop to all illegal activities and border violations. It would support the draft resolution, however, because it had seen signs that the Council's "carrot-and-stick policy" was modifying the behaviour of the authorities in Belgrade.<sup>414</sup>

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<sup>412</sup> *Ibid.*, p. 9.

<sup>413</sup> *Ibid.*, pp. 9-10.

<sup>414</sup> *Ibid.*, p. 10.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1015 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions, in particular resolutions 943 (1994) of 23 September 1994, 970 (1995) of 12 January 1995, 988 (1995) of 21 April 1995 and 1003 (1995) of 5 July 1995,

*Calling upon* all States and others concerned to respect the sovereignty, territorial integrity and international borders of all States in the region,

*Noting* the measures taken by the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular those detailed in the report transmitted by the letter dated 6 September 1995 from the Secretary-General to the President of the Security Council, to maintain the effective closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs, and noting with satisfaction that the cooperation of the Mission of the International Conference on the Former Yugoslavia with the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be generally good,

*Reaffirming* the importance of further efforts by the Federal Republic of Yugoslavia (Serbia and Montenegro) to enhance the effectiveness of the closure of the international border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina with respect to all goods except foodstuffs, medical supplies and clothing for essential humanitarian needs,

*Expressing its appreciation* for the work of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and of the Mission of the International Conference to the Federal Republic of Yugoslavia (Serbia and Montenegro), and underlining the importance of the necessary resources being made available so as to strengthen the capacity of the Mission to carry out its tasks,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the restrictions and other measures referred to in paragraph 1 of resolution 943 (1994) shall be suspended until 18 March 1996;

2. *Decides also* that the arrangements referred to in paragraphs 13, 14 and 15 of resolution 988 (1995) shall continue to apply;

3. *Reaffirms its decision* to keep the situation closely under review and to consider further steps with regard to measures applicable to the Federal Republic of Yugoslavia (Serbia and Montenegro) in the light of further progress in the situation;

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

Speaking after the vote, the representative of the United States underlined some fundamental points about the resolution just adopted. First, the suspended sanctions were limited strictly to cultural and sports exchanges, the restoration of passenger air transport to and from Belgrade, and ferry service to the port of Bar. There was no suspension of economic sanctions, meaning that there had been no increase of sanctions relief. Rather, the existing relief had been extended for six months. The United States continued to believe that further sanctions relief must follow real steps towards peace, such as mutual recognition among the successor States to the former Yugoslavia. Secondly, the requirements of resolution 988 (1995) remained in full force, including the requirement in paragraphs 14 and 15 that the Secretary-General report to the Council immediately if he had evidence of non-compliance by the authorities of Serbia and Montenegro with the border closure. If such a report were to be submitted, the suspension of the sanctions would terminate. In that connection, there had been indications of shortcomings in the implementation of Serbia and Montenegro's commitment to close its border. In particular, efforts by Serbia and Montenegro to assist the Bosnian Serbs in restoring their military communications and air defence networks and providing other military assistance would violate the commitment to close the border.<sup>415</sup>

The representative of France stated that while the resolution just adopted was technical in nature, the improvement made to it – the extension of the suspension period to 180 days - reflected his delegation's conviction that a dynamic of negotiation seemed to have begun and must be encouraged. France hoped that the Council would have the opportunity to decide, on the basis of the evolving situation, on the further alleviation of sanctions.<sup>416</sup>

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<sup>415</sup> *Ibid.*, pp. 11-12.

<sup>416</sup> *Ibid.*, pp. 12-13.

**Decision** of 18 September 1995 (3580<sup>th</sup> meeting): statement by the President

At its 3580<sup>th</sup> meeting, on 18 September 1995, the Council resumed its consideration of the item. 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 (Italy) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>417</sup> on behalf of the Council:

"The Security Council deplores the rapidly escalating military situation on the ground in the Republic of Bosnia and Herzegovina, and expresses its deep concern about the plight of the civilian population resulting therefrom.

"The Council demands that all the parties involved in offensive military activities and hostile acts in western Bosnia cease them immediately and respect fully the rights of the local population. It stresses the importance it attaches to intensified efforts to alleviate the plight of refugees and displaced persons and to the fullest cooperation in this regard by the parties with the United Nations Protection Force and the international humanitarian agencies. The Council reiterates that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina and urges all parties not to take military advantage of the present situation. It once again expresses its full support for the Agreed Basic Principles signed at Geneva on 8 September 1995, which provide a basis for negotiations with the aim of achieving a lasting peace throughout the region.

"The Council furthermore deplores the death of one Danish peacekeeper and injury to nine others and expresses its condolences to the Government of Denmark and to the family of the peacekeeper who lost his life."

**Decision** of 21 September 1995 (3581<sup>st</sup> meeting): resolution 1016 (1995)

At its 3581<sup>st</sup> meeting, on 21 September 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in

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<sup>417</sup> S/PRST/1995/47.



the discussion without the right to vote. The President (Italy) then drew the attention of the Council members to the text of a draft resolution<sup>418</sup> prepared in the course of the Council's prior consultations and to several other documents.<sup>419</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1016 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions and the statement by its President of 18 September 1995,

*Deeply concerned* by the military situation on the ground in the Republic of Bosnia and Herzegovina and by the plight of the civilian population there, which constitutes a humanitarian crisis of significant proportions,

*Especially concerned* by the humanitarian consequences, as a result of the recent fighting, including loss of life and suffering among the civilian population, and a new flow of tens of thousands of refugees and displaced persons,

*Reiterating its full support* for the Agreed Basic Principles signed at Geneva on 8 September 1995,

*Gravely concerned* about all offensives and hostile acts in the Republic of Bosnia and Herzegovina by the parties concerned, including those most recently undertaken,

1. *Notes* the assurances given by the Governments of the Republic of Bosnia and Herzegovina and the Republic of Croatia regarding offensive actions in western Bosnia and, while taking note of the reports that the offensive actions have slowed down, affirms the need for full compliance with the demands set out in the statement by its President of 18 September 1995;

2. *Deplores* the casualties suffered by the Danish peacekeepers, expresses its condolences to the Government of Denmark and to the families of the peacekeepers who lost their lives, and demands that all parties fully respect the safety of United Nations personnel;

3. *Calls upon* all parties and others concerned to refrain from violence and hostile acts and to reach immediately a ceasefire and a cessation of hostilities throughout the territory of the Republic of Bosnia and Herzegovina;

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<sup>418</sup> S/1995/810.

<sup>419</sup> S/1995/808, letter dated 19 September 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council; S/1995/812, letter dated 20 September 1995 from the representative of Croatia addressed to the President of the Security Council.

4. *Calls upon* Member States involved in promoting an overall peaceful settlement in the region to intensify their efforts to this end with the parties to ensure that they take no advantage from the current situation and show utmost restraint;

5. *Demands* that the parties negotiate in good faith on the basis of the Agreed Basic Principles signed at Geneva on 8 September 1995 with the aim of achieving lasting peace throughout the region;

6. *Reiterates* that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina;

7. *Urges* all States and international humanitarian organizations to intensify their efforts to help to alleviate the plight of refugees and displaced persons;

8. *Requests* the Secretary-General to provide to the Council as soon as possible information on the humanitarian situation, including information available through the United Nations High Commissioner for Refugees and other sources;

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

**Decision** of 12 October 1995 (3587<sup>th</sup> meeting): statement by the President

At its 3587<sup>th</sup> meeting, on 12 October 1995, the Council resumed its consideration of the item. 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 (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>420</sup> on behalf of the Council:

"The Security Council welcomes the entry into force of the ceasefire agreement of 5 October 1995 between the Bosnian parties.

"The Council takes this opportunity to express its gratitude to all those who negotiated the ceasefire agreement and to the United Nations Protection Force and others who, often at risk to their own lives, have made possible, with the cooperation of all the parties, the restoration of gas and electricity supplies to the inhabitants of Sarajevo, enabling them to live in more decent conditions.

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<sup>420</sup> S/PRST/1995/52.

"The Council demands that all parties fully comply with the provisions of the ceasefire agreement and refrain from any military activity that could jeopardize the peace process. It expresses its deepest concern at any operation that provokes large-scale movements of population detrimental to the peace process and a final and fair settlement. The Council is particularly concerned about new reports related to the movements of the displaced population in the areas of Sanski Most and Mrkonjic Grad.

"The Council reiterates its strong condemnation of all practices of ethnic cleansing wherever they occur and by whomsoever committed. It demands their immediate cessation and underlines the need to alleviate the sufferings caused by these acts. The Council urges all Bosnian parties to respect fully the rights of all communities, including their right to remain where they are or to return to their homes in safety.

"The Council is, in particular, deeply concerned about new reports concerning acts of ethnic cleansing committed in the Banja Luka and Prijedor areas, especially about reports, including those by international humanitarian organizations, that non-Serb men and boys of draft age are being taken away by Bosnian Serb and other paramilitary forces. The Council demands that those persons be immediately released.

"The Council demands that the Bosnian Serb party grant United Nations personnel and the representatives of the International Committee of the Red Cross immediate and unimpeded access to all the areas of concern. It also demands that representatives of the International Committee of the Red Cross be allowed to visit and register any persons detained against their will. The Council reiterates in this context the demands set out in resolution 1010 (1995) and in the statement by its President of 7 September 1995 on Srebrenica and Zepa.

"The Council reaffirms that those who have committed or have ordered the commission of violations of international humanitarian law will be held individually responsible for them. The Council recalls in this context the establishment of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, pursuant to its resolution 827 (1993) and reiterates that all States shall cooperate fully with the Tribunal and its organs.

"The Council will remain actively seized of the matter."

**Decision** of 30 November 1995 (3601<sup>st</sup> meeting): resolution 1026 (1995)

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report<sup>421</sup> on the three peacekeeping missions in the former Yugoslavia.<sup>422</sup> The report was intended to assist the Council in its deliberations on the future of these missions.

In his report, the Secretary-General noted that the general framework agreement, which had been initialled by the Presidents of Bosnia and Herzegovina, Croatia and Serbia on 21 November 1995 in Dayton, provided the basis for peace to become reality. The framework agreement contained many aspects with far-reaching implications not only for the UN peace-keeping forces deployed in the former Yugoslavia, but also for the future role of the Organization in that region, which had yet to be fully assessed and analysed. In connection with UNPROFOR, the Secretary-General noted that since the agreement envisaged the implementation of the military and regional stabilization aspects to be the responsibility of a new Implementation Force (IFOR), to be authorized by the Security Council, a primary task for UNPROFOR was to arrange for the transfer of responsibility to IFOR. Pending finalization of the arrangements for the transfer of responsibility to IFOR, the Secretary-General recommended that the existing mandate of UNPROFOR be extended for two months, or until the appropriate transfer of authority had been executed between UNPROFOR and the incoming Implementation Force, subject to authorization of the Security Council.

At its 3601<sup>st</sup> meeting, on 30 November 1995, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina and included the above report in its agenda. 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 (Oman) then drew the attention of the Council members to the text of a draft resolution<sup>423</sup> submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the

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<sup>421</sup> S/1995/987.

<sup>422</sup> This report was also considered by the Council at its 3600<sup>th</sup> meeting under the sub-item “ The situation in Croatia”.

<sup>423</sup> S/1995/995.

United Kingdom and the United States, as well as to a letter<sup>424</sup> dated 29 November 1995 from the representative of the United States addressed to the Secretary-General, transmitting the text of the General Framework Agreement for Peace in Bosnia and Herzegovina.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1026 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions, in particular its resolutions 982 (1995) of 31 March 1995 and 998 (1995) of 16 June 1995,

*Reaffirming its commitment* to the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

*Welcoming again* the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

*Stressing* the need for all parties to comply fully with all provisions of the Peace Agreement and, prior to the entry into force of that agreement, the need for all parties to cooperate fully with the United Nations Protection Force and to maintain the current ceasefire agreement,

*Welcoming* the positive role played by the United Nations Protection Force, and paying tribute to the personnel of the Force in the performance of their mandate,

*Having considered* the report of the Secretary-General of 23 November 1995,

*Reaffirming its determination* to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 23 November 1995;

2. *Decides* to extend the mandate of the United Nations Protection Force for a period terminating on 31 January 1996, pending further action by the Council with regard to the implementation of the Peace Agreement;

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<sup>424</sup> S/1995/999.

3. *Invites* the Secretary-General to keep the Council informed of developments in the peace process and to submit as soon as possible to the Council reports, containing the necessary information and recommendations, on aspects of the implementation of the Peace Agreement as they affect the United Nations in order to enable the Council to take a decision ensuring an orderly transfer of authority as envisaged in the Peace Agreement;

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

**Decision** of 7 December 1995 (3603<sup>rd</sup> meeting): statement by the President

At its 3603<sup>rd</sup> meeting, on 7 December 1995, the Council resumed its consideration of the item. 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 (The Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>425</sup> on behalf of the Council:

"The Security Council expresses deep concern over the looting and burning of houses by the forces of the Croatian Defence Council in the area of Mrkonjic Grad and Sipovo, which have continued for some time, and it also notes with concern that similar acts have been committed by Bosnian Serb forces in other areas of Bosnia and Herzegovina. The Council is also deeply concerned by reports that the Croatian Defence Council is moving mine-laying equipment into the Mrkonjic Grad and Sipovo areas.

"The Council considers that such actions are dangerous and detrimental to the spirit of confidence essential for the implementation of the Peace Agreement on Bosnia and Herzegovina.

"The Council demands that all such actions be stopped immediately and stresses the need for all parties to exercise maximum restraint and to demonstrate the cooperation essential for the successful implementation of the Peace Agreement."

**Decision** of 15 December 1995 (3607<sup>th</sup> meeting): resolution 1031 (1995)

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<sup>425</sup> S/PRST/1995/60.

On 13 December 1995, pursuant to resolution 1026 (1995), the Secretary-General submitted to the Council a report<sup>426</sup> on developments in the peace process in Bosnia and Herzegovina. The report noted that the most important development since the adoption of resolution 1026 (1995) was the Peace Implementation Conference convened in London on 8 and 9 December which had resulted in the adoption of a document known as “ the London conclusions”. The Conference had also approved the designation of Mr. Carl Bildt as High Representative and had invited the Security Council to agree to it. The report also addressed aspects of implementation of the peace agreement that affected the United Nations and dealt with the future of certain existing United Nations activities which would either be discontinued or transferred to other agencies. The Secretary-General observed that the Peace Agreement offered real hope of bringing an end to the conflict in Bosnia and Herzegovina. He welcomed the fact that Member States had decided that the task of helping to implement the Peace Agreement in Bosnia and Herzegovina should not be entrusted to the United Nations alone. He noted, in that regard, that only a cooperative effort between many international organizations and Member States could generate the skills and resources, and above all, the political will required to end the fighting and start building the peace in Bosnia and Herzegovina. Referring to the ways in which the United Nations could make its contribution to that common effort, he stated that the most important of them were in the fields of humanitarian relief and return of refugees, and civilian police, where the parties had asked the Organization to deploy a United Nations civilian police greater than any previously seen. Other areas, where the United Nations could make a contribution, included human rights.

At its 3607<sup>th</sup> meeting, on 15 December 1995, the Council resumed its consideration of the situation in the Republic of Bosnia and Herzegovina and included the above report in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Brazil, Canada, Croatia, Egypt, Japan, Malaysia, Norway, Spain, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at

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<sup>426</sup> S/1995/1031.

his request, to address it in the course of the subsequent discussion. The President (the Russian Federation) then drew the attention of the Council members to the text of a draft resolution<sup>427</sup> submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States, as well as to several other documents.<sup>428</sup>

At the meeting, the representative of Bosnia and Herzegovina noted that the Council would be deciding upon a comprehensive resolution on the various aspects of the implementation of the Dayton Peace Agreement. As a host country to the Implementation Force, Bosnia and Herzegovina pledged partnership in the implementation of the agreement. Bosnia and Herzegovina was committed to furthering existing democratic institutions and establishing new ones to restore the rule of law and order in every part of the country, thus guaranteeing safety, justice and respect for all citizens of Bosnia and Herzegovina, regardless of ethnic or religious background. The speaker argued that restoration of mutual confidence would be possible if the Bosnian Serb authorities were to do the same in the territories under their control, including by bringing to justice those who had committed war crimes and by preventing them from playing any future political role. Finally, Sarajevo should again be not only a symbol of the ethnic, religious and cultural diversity and richness of Bosnia and Herzegovina, but also the birthplace of new international hope and solidarity.<sup>429</sup>

The representative of Croatia noted that no matter how difficult and tragic the past four years had been, the peace agreement would move Bosnia and the whole region forwards and the timely deployment of the IFOR, to be authorized by the draft resolution, would continue the momentum for peace. It would also be necessary, however, to implement the economic and electoral aspects of the Agreement with the same

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<sup>427</sup> S/1995/1033.

<sup>428</sup> S/1995/999, letter dated 29 November 1995 from the representative of the United States addressed to the Secretary-General; S/1995/1021, letter dated 7 December 1995 from the representatives of Bosnia and Herzegovina and Croatia addressed to the Secretary-General; S/1995/1029, letter dated 11 December 1995 from the representative of the United Kingdom addressed to the Secretary-General; S/1995/1034, letter dated 14 December 1995 from the Secretary-General addressed to the President of the Security Council.

<sup>429</sup> S/PV.3607, pp. 3-4.



commitment and vigour. IFOR alone could not secure a lasting and just peace in Bosnia. Croatia regretted that the agreement on the normalization of relations between it and Bosnia and Herzegovina, including mutual recognition, had not been signed in Paris. Croatia's position remained that unconditional recognition was a prerequisite for the equitable resolution of all outstanding issues between two sovereign States. Turning to the draft resolution, the speaker emphasized paragraph 8, which recognized the right of all Bosnian refugees and displaced persons to return to their homes of origin in safety and called on the United Nations to play a leading role in their repatriation. Those refugees and displaced persons must be given the opportunity to return home or they must be compensated for their property fairly and in a timely manner. The speaker concluded by presenting the position of his Government on the 13 December report of the Secretary-General<sup>430</sup> on the implementation of the Basic Agreement on Eastern Slavonia, Baranja, and Western Sirmium. Croatia expressed concern that that report placed emphasis on external risks and not enough emphasis on the most important element of the agreement which was demilitarization. It could not accept an attempt to build a new and improved safe area in the occupied Vukovar region. Therefore, the deployment of a large international force to Croatia was unacceptable. Rather, the military aspects of the implementation force should be reduced and the civilian aspects strengthened. The speaker further noted any delay in addressing the implementation of the Basic Agreement would minimize the possibility of its success. The momentum for peace that was evident in implementing the Peace Agreement in Bosnia should be emulated and utilized to secure peace in Croatia as well.<sup>431</sup>

Mr. Jovanovic noted that it had not been an easy task to achieve the Peace Agreement, but the essential thing was that peace had finally prevailed and that the implementation of the Agreement would strengthen stability, not only in Bosnia and Herzegovina but also in the Balkans and Europe. The basic task ahead was full implementation of the Peace Agreement. The responsibility for such implementation lay not only with the Republic of Srpska and the Muslim-Croat Federation and other

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<sup>430</sup> S/1995/1028.

<sup>431</sup> *Ibid.*, pp. 4-6.

interested parties, but also with international entities assigned major implementation tasks. For its part, Yugoslavia stood ready to implement fully the commitments it had undertaken under the Agreement. The speaker further stated that it was imperative that the military and civilian components of the international presence in Bosnia and Herzegovina took an impartial and objective position towards all parties. It was also imperative that the Serbs of Sarajevo receive concrete guarantees that their freedom, security, equality and human rights would be fairly and unconditionally respected. Referring to the question of sanctions, the speaker stated that his delegation expected that, in accordance with the Peace Agreement, the Council would soon lift all sanctions against the Federal Republic of Yugoslavia. Having been “crippled” by international sanctions and isolated from the international community, the Federal Republic of Yugoslavia was eagerly seeking to restore its place in the family of nations. It believed that, by pursuing a constructive policy for peace in the former Yugoslavia, it had earned the right to normalize its status in all international organizations, and to normalize relations with the European Union. As a founding Member, the Federal Republic of Yugoslavia requested that the Council allow it to resume its rightful place in the United Nations without delay, in accordance with the Charter of the United Nations and international law. It was particularly unacceptable that additional conditions were being set for the normalization of the status of the Federal Republic of Yugoslavia in the United Nations. With the signing of the Peace Agreement, it was only logical that Yugoslavia’s rights be fully restored.<sup>432</sup>

Speaking before the vote, the representative of the United Kingdom stated that the conclusion of the Peace Agreement and the draft resolution before the Council sounded the call for the most comprehensive operation to reconstruct a European country since the Marshall Plan half a century earlier. Sustaining that process would be vital, if the promise of peace were to become a reality. One important task was military in nature. IFOR’s role would be even-handed and limited in scope and duration. The force would not be imposing the peace settlement, but it would take necessary action to ensure compliance.

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<sup>432</sup> *Ibid.*, pp. 6-7.

Furthermore, should it be decided that IFOR would detain and transfer to the appropriate authorities any persons indicted by the Tribunal with whom it came into contact, then the authority to do so was provided by the draft resolution, when read in conjunction with the Peace Agreement. The implementation of the Peace Agreement, however, was simply not a military task. IFOR was necessary, but not a sufficient, condition for rebuilding the civil, political and economic institutions and structures that would form the basis of a unified, prosperous and stable society. The international community faced a huge commitment in implementing the Peace Agreement. That commitment needed to be matched by a similar determination on the part of the Bosnian people, the Federal Republic of Yugoslavia and Croatia. Before concluding, the speaker warned that failure by the Bosnian Serbs to cooperate would lead to the continuation of economic sanctions.<sup>433</sup>

The representative of Germany stated that the draft resolution conferred a challenging responsibility upon the members of the Council. By an affirmative vote, the Council would set in motion an enormous international military and civilian operation. Noting that all parties had consented to the deployment of IFOR, including the use of force if necessary, the speaker stated that it was essential that the parties comply with their commitment to refrain from the use of force, and that they cooperate fully with IFOR in the military side of the implementation of the Peace Agreement. However, while the military component of the implementation of the Dayton Agreement represented the foundation of peace, the construction of peace would be a civilian task. It was therefore necessary to strengthen the political consensus achieved so far by holding free and fair elections. It was also necessary to assist the local security forces, to monitor human and minority rights, to undertake important humanitarian tasks, and to reconstruct and develop a devastated country and its economy. In that effort, the United Nations would continue to have an important peacekeeping role, and Germany fully supported the concept of a strong International Police Task Force and of a United Nations civilian mission. Referring to the question of the admission of the Federal Republic of Yugoslavia

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<sup>433</sup> *Ibid.*, pp. 8-9.

(Serbia and Montenegro) to the General Assembly, the speaker noted that his delegation would welcome such a development under the conditions determined by the respective organs of the United Nations. Turning to the question of coordination of the civilian tasks to be carried out in the implementation of the Peace Agreement, the speaker stated that the many international organizations involved must work in the same direction. It was important that there be no duplication of effort. In that respect, the draft resolution spelled out clearly the responsibilities of the High Representative, as the final authority in theatre regarding civilian implementation and as coordinator of the civilian operations with the authority to give guidance as appropriate. In conclusion, the speaker stated that those responsible for war crimes and violations of international humanitarian law must be brought to justice. Without uncovering the truth and without justice, national reconciliation could not be achieved. The draft rightly stressed the importance of full cooperation with the International Tribunal and made it clear that IFOR had a role to play in that respect.<sup>434</sup>

The representative of Argentina stated that, as clearly set out in one of the preambular paragraphs of the draft resolution, the conflict in the former Yugoslavia remained a threat to international peace and security. That factor explained the widespread concern that the principal role for the United Nations, through the Council, would be to keep the implementation of the Peace Agreement under permanent review. With the draft resolution, work of great importance to the United Nations would begin in such areas as the protection of human rights, humanitarian assistance, civil policing and the removal of mines. Argentina was struck, however, by the fact that the supervision of electoral processes, which was an area where the United Nations had unparalleled experience and aptitude – had been assigned to the Organization for Security and Cooperation in Europe (OSCE). It therefore supported the Secretary-General's offer to the OSCE that the invaluable experience of the United Nations might be put to use in Bosnia. Argentina also emphasized the importance of the International Tribunal. Peace

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<sup>434</sup> *Ibid.*, pp. 9-11.

would only be lasting if those responsible for atrocities were made to face the consequences of their actions.<sup>435</sup>

The representative of China welcomed the positive developments in relation to the situation in Bosnia and Herzegovina. Observing that the Federal Republic of Yugoslavia had made unremitting efforts in the peace process and should be acknowledged and encouraged by the international community, he stated that the Council should resolve soon the question of the status of the Federal Republic of Yugoslavia in the United Nations. On the basis of China's position in support of the peace process in the former Yugoslavia, and the fact that the draft resolution called for extraordinary action in extraordinary circumstances, the Chinese delegation would vote in favour of the draft resolution. That did not represent, however, a change in China's position. China had long disapproved of operations authorized by the Council when Chapter VII was invoked and mandatory measures adopted, and it could not approve the Council's authorization of the unlimited use of force. It therefore believed that IFOR must maintain neutrality and impartiality and avoid the wanton use of force, in order not to damage the image of the United Nations. IFOR should thus provide the Council with timely and full reports on the implementation of its tasks and should accept the necessary control of and guidance from the Council.<sup>436</sup>

The representative of Nigeria noted that his delegation would have preferred a United Nations operation under the policy control of the Council and the managerial supervision of the Secretary-General, in spite of the fact that the parties to the agreement had requested a multinational force. Whilst mindful of the Secretary-General's observations about the inability of the United Nations to undertake such an operation at that time, Nigeria believed that it was a lack of political backing and of the resource support of Member States that was preventing the Organization from undertaking directly the enforcement operations envisaged in Chapter VII of the Charter. Nigeria also believed that the Council should not continue to contract out what would normally be a

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<sup>435</sup> *Ibid.*, pp. 11-12.

<sup>436</sup> *Ibid.*, pp. 13-14.

United Nations responsibility to a group of powerful States. Questions about the time-frame and concept of operations were not quite clear, nor could one say exactly whence the post of High Representative derived its legitimacy and authority. As Member States of the United Nations, the members of the Council should not support decisions that had the effect of subordinating the Organization or its Secretary-General to another organization. The United Nations was still the most universal expression of the will of the international community. However, in view of its policy of supporting all peace initiatives and of the primary objective of helping to resolve the Balkan conflict, Nigeria would support the draft resolution.<sup>437</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1031 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

*Reaffirming its commitment* to a negotiated political settlement of the conflicts in the former Yugoslavia preserving the territorial integrity of all States there within their internationally recognized borders,

*Welcoming* the signing on 14 December 1995 at the Paris Peace Conference of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto,

*Welcoming also* the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995,

*Welcoming further* the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions,

*Paying tribute* to the International Conference on the Former Yugoslavia for its efforts aimed at achieving a peace settlement, and taking note of the decision of the London

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<sup>437</sup> *Ibid.*, pp. 14-15.

Conference that the Peace Implementation Council will subsume the International Conference on the Former Yugoslavia,

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

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

*Determined* to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

*Acting* under Chapter VII of the Charter of the United Nations,

## I

1. *Welcomes and supports* the Peace Agreement, and calls upon the parties to fulfil in good faith the commitments entered into in that Agreement;

2. *Expresses its intention* to keep the implementation of the Peace Agreement under review;

3. *Welcomes* the progress made towards mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders;

4. *Reaffirms* its resolutions concerning compliance with international humanitarian law in the former Yugoslavia, reaffirms also that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former since 1991 and its organs in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute, and calls upon them to allow the establishment of offices of the Tribunal;

5. *Recognizes* that the parties shall cooperate fully with all entities involved in the implementation of the peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal, and that the parties have in particular authorized the multinational force referred to in paragraph 14 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

6. *Welcomes* the agreement by the Organization for Security and Cooperation in Europe to adopt and put in place a programme of elections for Bosnia and Herzegovina, at the request of the parties to annex 3 of the Peace Agreement;

7. *Welcomes also* the parties' commitment, as specified in the Peace Agreement, to securing for all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, stresses that compliance with this commitment is of vital importance in achieving a lasting peace, and welcomes the invitation by the parties to the United Nations Commission on Human Rights, the Organization for Security and Cooperation in Europe, the United Nations High Commissioner for Human Rights and other intergovernmental or regional human rights missions or organizations to monitor closely the human rights situation in Bosnia and Herzegovina;

8. *Welcomes further* the parties' commitment to the right of all refugees and displaced persons freely to return to their homes of origin in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, in assisting with the repatriation and relief of refugees and displaced persons, and stresses the importance of repatriation being phased, gradual and orderly;

9. *Emphasizes* the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina, and encourages Member States to provide assistance for the programme of reconstruction in that country;

10. *Underlines* the relationship, as described in the conclusions of the London Conference, between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

11. *Welcomes* the agreement of the parties to annex 1-B of the Peace Agreement that establishment of progressive measures for regional stability and arms control is essential to creating a stable peace in the region, emphasizes the importance of all Member States supporting their efforts to this end, and supports the commitment of the Organization for Security and Cooperation in Europe to assist the parties with the negotiation and implementation of such measures;



12. *Welcomes* the willingness of the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to assist the parties to the Peace Agreement by deploying a multinational implementation force;

13. *Notes* the invitation of the parties to the international community to send to the region for a period of approximately one year a multinational implementation force to assist in implementation of the territorial and other militarily related provisions of annex 1-A of the Peace Agreement;

14. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish a multinational Implementation Force under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement;

15. *Authorizes* the Member States acting under paragraph 14 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Implementation Force as may be necessary to ensure implementation of that annex and the protection of the Force, and takes note that the parties have consented to the taking of such measures by the Implementation Force;

16. *Authorizes* the Member States acting under paragraph 14 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of the Implementation Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Authorizes* Member States to take all necessary measures, at the request of the Implementation Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

18. *Demands* that the parties respect the security and freedom of movement of the Implementation Force and other international personnel;

19. *Decides* that, with effect from the day on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force to the Implementation Force has taken place, the authority to take certain measures conferred upon States by resolutions 770 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, 816 (1993) of 31 March 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and

958 (1994) of 19 November 1994 shall be terminated, and that the provisions of resolution 824 (1993) of 6 May 1993 and subsequent resolutions regarding safe areas shall also be terminated from the same date;

20. *Requests* the Government of Bosnia and Herzegovina to cooperate with the Commander of the Implementation Force to ensure the effective management of the airports in Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

21. *Decides*, with a view to terminating the authorization granted in paragraphs 14 to 17 above one year after the transfer of authority from the United Nations Protection Force to the Implementation Force, to review by that date and to take a decision whether that authorization should continue, based upon the recommendations from the States participating in the Implementation Force and from the High Representative through the Secretary-General;

22. *Decides also* that the embargo imposed by resolution 713 (1991) of 25 September 1991 shall not apply to weapons and military equipment destined for the sole use of the Member States acting under paragraph 14 above, or of international police forces;

23. *Invites* all States, in particular those in the region, to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 14 above;

24. *Welcomes* the conclusion of the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and demands that the parties comply fully with those agreements;

25. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to report to the Council, through the appropriate channels and at least at monthly intervals, the first such report be made not later than ten days following the adoption of the present resolution;

26. *Endorses* the establishment of a High Representative, following the request of the parties, who, in accordance with annex 10 on civilian implementation, will monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to and coordinate the activities of the civilian organizations and agencies involved, and agrees the designation of Mr. Carl Bildt as High Representative;

27. *Confirms* that the High Representative is the final authority in theatre regarding interpretation of annex 10 of the Peace Agreement on civilian implementation;

28. *Decides* that all States concerned, and in particular those where the High Representative establishes offices, shall ensure that the High Representative enjoys such legal

capacity as may be necessary for the exercise of his functions, including the capacity to contract and to acquire and dispose of real and personal property;

29. *Notes* that close cooperation between the Implementation Force, the High Representative and the agencies will be vital to ensure successful implementation;

30. *Affirms* the need for the implementation of the Peace Agreement in its entirety, and in this context stresses the importance it attaches to the urgent implementation of annex 11 of the Peace Agreement, decides to act expeditiously on the report of the Secretary-General recommending the establishment of a United Nations civilian police force with the tasks set out in that annex, together with a civilian office with the responsibilities described in the report of the Secretary-General, and further decides that in the interim civilian police, demining, civil affairs and other personnel that might be required to carry out the tasks described in that report shall continue in theatre, notwithstanding the provisions of paragraphs 33 and 34 below;

31. *Stresses* the need for early action in Sarajevo to create confidence between the communities, and, to this end, requests the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo;

32. *Requests* the Secretary-General to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement;

### III

33. *Decides* that the mandate of the United Nations Protection Force shall terminate on the date on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force to the Implementation Force has taken place;

34. *Approves* the arrangements set out in the report of the Secretary-General on the withdrawal of the United Nations Protection Force and headquarters elements from the United Nations Peace Force, including the arrangements for the command and control of the United Nations Protection Force following the transfer of authority from it to the Implementation Force;

35. *Expresses its warmest appreciation* to all United Nations Protection Force personnel who have served the cause of peace in the former Yugoslavia, and pays tribute to those who have given their lives and those who have suffered serious injuries in that service;

36. *Authorizes* the Member States, acting under paragraph 14 above, to use all necessary means to assist in the withdrawal of the United Nations Protection Force;

37. *Calls upon* the parties to ensure the safety and security of the United Nations Protection Force and confirms that the Force will continue to enjoy all existing privileges and immunities, including during the period of withdrawal;

38. *Requests* the Secretary-General to report to the Council when the withdrawal of the United Nations Protection Force is complete;

#### IV

39. *Recognizes* the unique, extraordinary and complex character of the present situation in Bosnia and Herzegovina, requiring an exceptional response;

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

Speaking after the vote, the representative of the United States stated that, while much of the Council's work had borne fruit, often its resolutions and statements had promised much but accomplished little. Often the Council's message to the people of Bosnia had been a tragic one: "We cannot defend you and we will not let you defend yourselves". Now, however, the Council's message was different. It had helped Bosnia to negotiate a peace agreement, it was authorizing a powerful military force to implement that peace, and it would enable Bosnia to ensure that peace once the international presence had left. Noting that IFOR's purpose was to make peace work, not to fight a war or to occupy, the speaker warned nevertheless that, if anyone were foolish enough to attack or threaten IFOR, then they would regret having done so. The speaker noted that the resolution just adopted recognized that the parties must cooperate fully with the International Tribunal and that IFOR had authority to take actions, including the use of necessary force, to ensure compliance with the relevant provisions of the Peace Agreement. That was a welcome supplement to the duties and authorities stemming from resolution 827 (1993). The NATO Council could now underscore the obligation of the parties to cooperate fully with the Tribunal by explicitly authorizing IFOR to transfer indicted persons to the Tribunal and to detain such persons for that purpose. The United States also stressed the importance of every country's obligation to cooperate with the

Tribunal and to comply with its orders. Unless they complied with their obligations, the parties to the conflict could not expect to reap the benefits of peace, ensure the permanent easing of economic sanctions, or hope to rejoin fully the community of civilized nations, including as a Member of the United Nations. The speaker further stated that special attention must be given to holding democratic elections, ensuring respect for human rights, planning for the safe return of refugees and displaced persons, creating a professional police force, and initiating a comprehensive programme of economic reconstruction.<sup>438</sup>

The representative of France expressed his country's view that the Council must assume three tasks. First, it must finalize the necessary arrangements to implement the civilian and military aspects integral to the Peace Agreement. Second, it must maintain the United Nations presence whenever that presence was indispensable. Third, the authority of the Council must be affirmed. It was the Council, and the Council alone, that under the Charter could give legitimacy to the military means to be used. It must also ensure the overall coherence of the operation by regularly assessing both the civilian and military aspects of its implementation. The speaker noted that the resolution just adopted met those objectives.<sup>439</sup>

The President, speaking in his capacity as representative of the Russian Federation, emphasized what he considered as the most important feature of the resolution that the Member States providing forces to IFOR were authorized by the resolution to do only what the Bosnian parties themselves had agreed to. Thus, should force be used against violators of the Agreement, the resolution clearly made those sides' agreement conditional on an equal, impartial approach to all sides to the Bosnian conflict. The Russian Federation would consistently defend the need to avoid unjustified use of force in the course of the operation. It was important that, under the resolution, the Security Council must take a decision a year later regarding the need to extend the military component of the operation. That provision, together with regular reporting to

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<sup>438</sup> *Ibid.*, pp. 19-21.

<sup>439</sup> *Ibid.*, pp. 21-22.

the Council on the conduct of the entire operation, ensured reliable political control by the Security Council and indicated that the massive military operation in no way represented a replacement of the United Nations by individual or regional organizations. The speaker further noted that the resolution defined the need to strengthen regional stability and control over armaments, which meant that all sides must ensure that the arms reserves of the Bosnian side should be reduced rather than increased. The Council had also confirmed that the achievement of a just and lasting peace was impossible without securing internationally recognized human rights, including the right of refugees and displaced persons freely to return. Another necessity was the cooperation of all parties with the International Tribunal, in accordance with Council decisions and commitments entered into by the parties themselves in Dayton. Of primary importance in creating an appropriate climate between the parties were immediate measures to strengthen and build confidence, particularly in areas where ethnic groups were living side by side. The most complex situation arose in Sarajevo, where there was an urgent need to prevent a massive exodus of the Serbian population. The Russian Federation expected the immediate implementation of tasks entrusted to the Secretary-General by the resolution for ensuring a speedy redeployment to Sarajevo of additional contingents of the United Nations Civilian Police. The Russian Federation was also in favour of deciding on an immediate repeal of sanctions against Belgrade and against the Serb Republic, in order to foster the successful implementation of the Agreements.<sup>440</sup>

The representative of Ukraine stressed that the ultimate responsibility for the implementation of the Peace Agreement lay with the conflicting parties. In that context, Ukraine fully supported paragraph 10 of the resolution just adopted, underlining the relationship between the fulfilment by the parties of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development. Referring to the military aspects of the resolution just adopted, the speaker noted that his Government supported the authorization by the Council of IFOR, which would provide monthly reports to the

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<sup>440</sup> *Ibid.*, pp. 24-26.

Council on its activities, thus enabling an appropriate means of political monitoring by the Council. The establishment of IFOR was a decisive step towards a comprehensive settlement of the conflict. IFOR would be deployed as a neutral and impartial force, capable of ensuring implementation of the Peace Agreement and of protecting itself. At the same time, Ukraine hoped that IFOR commanders would take all necessary steps to ensure that the right to take all necessary measures to defend against the threat of attack was not abused. The speaker, finally, suggested that the establishment of a “special régime” of participation in the rehabilitation and development of Bosnia might be appropriate for the States that had been most affected economically by their strict observance of the sanctions against the Federal Republic of Yugoslavia. Such an initiative could be regarded as partial compensation for the billions of dollars in losses suffered by the States neighbouring the Federal Republic of Yugoslavia.<sup>441</sup>

The representative of Egypt welcomed the Peace Agreement and the resolution just adopted. Egypt hoped that a negotiated settlement would be reached by all concerned parties on outstanding issues related to the succession of States within the former Yugoslavia, so that the successor States might resume the international role that the Federated Republic of Yugoslavia had played in the past. It also hoped that the peoples of the successor States would be able to live in safety, security and dignity in the context of mutual friendly relations amongst all successor States. Egypt considered it important that there be a guarantee of the voluntary return of all refugees and displaced persons, that there be cooperation with the International Tribunal, and that IFOR would be deployed and would act in the context of a Security Council resolution, thus meaning that the force would be acting on behalf of the international community.<sup>442</sup>

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<sup>441</sup> *Ibid.*, pp. 28-30.

<sup>442</sup> *Ibid.*, pp. 33-34.

**Decision** of 21 December 1995: letter from the President

On 13 December 1995, pursuant to resolution 1025 (1995), the Secretary-General submitted to the Council a report<sup>443</sup> on aspects of the establishment by the Council of an operation consisting of a transitional administration and a transitional peacekeeping force to implement the relevant provisions of the Basic Agreement<sup>444</sup> on the region of Eastern Slavonia, Baranja and Western Sirmium, which had been signed on 12 November 1995.

The Secretary-General observed that, although the conclusion of the Framework Agreement for peace in the neighbouring Bosnia and Herzegovina should contribute to a vastly improved climate in the region as a whole, the past record of the parties to the Basic Agreement in honouring their undertakings was not encouraging and the imprecise nature of the agreement made it unwise to assume that compliance would be readily forthcoming. The force deployed must therefore have a mandate under Chapter VII of the Charter, as well as the capacity to take the necessary action to maintain peace and security, deter attack from any side, and defend itself. A Chapter VII mandate would also be necessary to give the transitional administrator the power to “govern”, as stipulated in the Agreement. The Secretary-General remained of the view that the deployment and command of the force required would best be entrusted to a coalition of Member States, rather than to the United Nations. One option was therefore for the Council to authorize Member States to establish a multinational force to conduct the operation. However, in consultations with the Secretariat, some Member States had expressed a preference for the Basic Agreement to be implemented by a United Nations force. If that point of view were to be accepted by the Council, then the arguments in favour of giving the force a Chapter VII mandate would remain no less compelling. The Secretary-General further noted that, while effective demilitarization at the outset of the operation would be a major key to success, it would be important for the implementation of the civilian aspects to begin as soon as possible. He therefore recommended that the Council authorize the establishment of the transitional council and local implementation committees. He would soon nominate a suitable official to serve as the transitional administrator.

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<sup>443</sup> S/1995/1028.

<sup>444</sup> S/1995/951, annex.



By a letter<sup>445</sup> dated 21 December 1995, the President of the Security Council informed the Secretary-General as follows:

The members of the Security Council have reviewed your report of 13 December 1995 on the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium. The members of the Council agree with you that the agreement merits full international support for its effective and timely implementation.

In the agreement it is requested that the Council establish a transitional administration and authorize the deployment of an international force. The members of the Security Council, reaffirming resolution 1025 (1995) of 30 November 1995, stand ready to consider the option that both be components of a United Nations operation and, if the Council decides to establish such an operation, they stress the need for the necessary financial resources to be made available in a timely fashion.

The members of the Council agree that the force should operate under an appropriate mandate and be provided with the necessary protection. They encourage you to accelerate discussions with possible troop contributors so that the force can be deployed at the earliest possible date.

The members of the Council agree with your observation that implementation of the Agreement of 12 November will be complex and difficult. They recognize the danger that the two sides might have different interpretations of some of its provisions. They therefore welcome your decision to send an envoy to the region as soon as is convenient to discuss the implementation of the Agreement with the Government of Croatia and representatives of the local Serbs, and practical aspects of the establishment of a United Nations operation, including the possibilities for assistance from the host country in offsetting its cost.

**Decision** of 21 December 1995 (3612<sup>th</sup> meeting): resolution 1034 (1995)

On 27 November 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Council a report<sup>446</sup> on violations of international humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most. The Secretary-General noted that United Nations personnel had had very limited access to the

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<sup>445</sup> S/1995/1053.

<sup>446</sup> S/1995/988.

areas mentioned and that most of the information had been gathered from refugees and displaced persons. He reported that the last few months had seen further despicable acts of cruelty and violence. There were reports of a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances, which had yet to be properly investigated. Access to the areas in question was crucial and the international community should insist that the Bosnian Serb leadership provide full cooperation to all relevant international mechanisms, in order to enable events to be thoroughly investigated and the truth to be established. The Secretary-General also noted that, on 16 November 1995, the International Tribunal had issued further indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic, for their direct and individual responsibilities in the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995, after the fall of the enclave to Bosnian Serb forces. They were charged with genocide, crimes against humanity and violations of the laws or customs of war. It was imperative that the Prosecutor of the International Tribunal be provided with the ability and powers to gather the necessary evidence swiftly. Moreover, States had an obligation to take the actions needed to create the conditions for the Tribunal to perform its task.

At its 3612<sup>th</sup> meeting, on 21 December 1995, the Council resumed its consideration of the item and included the above report in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Turkey, at their request, to participate in the discussion without the right to vote. The President (the Russian Federation) then drew the attention of the Council members to the text of a draft resolution<sup>447</sup> submitted by Argentina, France, Germany, Italy, the United Kingdom and the United States, and he read out some changes that had been made to the draft.

Speaking before the vote, the representative of Germany noted that the report of the Secretary-General was a particularly worrying summary of the state of information on the missing persons, executions and the involvement of Bosnian Serb leaders and of

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<sup>447</sup> S/1995/1047.

Serbian paramilitary forces in those crimes. His delegation, together with the French delegation, had taken the initiative for the draft resolution, because it had felt that the Council could not shy away from a specific, clear and unequivocal reaction to the specific crimes and violations of international law described in the report. The speaker reiterated his country position with regard to two fundamental principles. First, it was of the utmost importance that the same legal standards, the same norms of law and the same critical objectivity be applied. There must be no selectivity, no attempts to “diminish” or “enlarge”, for partisan reasons, the violations of international humanitarian law committed by one side. In the same manner, Germany opposed attempts to “balance” the crimes committed by one side with human rights violations committed by another or to equate behaviours that cannot be equated. Second, it was equally important that the Council honour the general principle of the separation of powers, by seeing to it that the judicial prerogatives and competences of the International Tribunal were fully respected. In order to establish the full truth about the crimes and human rights violations in question, three aspects were of particular importance: there must be a full investigation of the violations in question; there must be access to the area; and the international community must be firm in its support of the efforts of the International Tribunal.<sup>448</sup>

The representative of Oman stated that substantial evidence supported the conclusion that Bosnian Serb soldiers were responsible for the crime of genocide. Justice should prevail and those who had committed crimes against humanity must be brought to justice. Oman hoped that IFOR would act according to its mandate, including by apprehending those indicted by the International Tribunal.<sup>449</sup>

The representative of the United Kingdom stated that the adoption of the draft resolution would be the clearest signal that the Council had not forgotten what had happened in Srebrenica, Zepa, Banja Luka and Sanski Most. The report of the Secretary-General provided irrefutable evidence of atrocities in those places and elsewhere. Given the scale of the human rights abuses, it was right that the Council should focus on those

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<sup>448</sup> *Ibid.*, pp. 5-6.

<sup>449</sup> *Ibid.*, p. 7.

events in particular. There should be no misunderstanding, however: the Council's commitment was to human rights, irrespective of ethnic background, nationality or religion. By focusing on crimes against non-Serbs, the Council did not in any way condone or ignore human rights violations committed against members of the Serb population. Nor did the draft seek to condemn the Bosnian Serb people. The crimes in question had been committed by individuals and those involved would be held responsible as individuals. Noting that the Peace Agreement set out a road map designed to re-establish the rule of law throughout all the communities in Bosnia, the speaker observed that implementation would be hindered if those responsible for the acts contained in the report of the Secretary-General were not brought to justice. Thus, all should support the work of the International Tribunal. It was also essential that UNHCR and the ICRC be given full access to those displaced or detained or missing from Srebrenica and elsewhere. If there were to be a durable peace in Bosnia, then it must be based upon reconciliation between communities. That reconciliation would only be complete if accomplished by justice.<sup>450</sup>

The representative of China said that his delegation would vote in favour of the draft resolution, however it believed that, in dealing with violations of international humanitarian law, the Council should distinguish its purview from those of other bodies, and refrain from intervening in matters falling in the purview of others. China therefore expressed reservations relating to elements of the draft resolution that should have been dealt with by the International Tribunal or other related United Nations bodies.<sup>451</sup>

The representative of the United States stated that the responsibility for the atrocities committed in eastern Bosnia was not in doubt; it rested with the Bosnian Serbs, as it was made clear by the Secretary-General's report. The Secretary-General's report underlined the importance of support for the work of the Tribunal and the necessity for the parties to cooperate with the Tribunal in every way. The draft resolution also condemned the burning and looting of houses and territory which, under the Dayton

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<sup>450</sup> *Ibid.*, pp. 7-8.

<sup>451</sup> *Ibid.*, p. 10.

Agreement, were to be returned to Bosnian Serb control. Although the nature and extent of those violations of human rights could not be equated to those committed by the Bosnian Serbs, the United States deplored them and joined the Council in urging an end to all such practices.<sup>452</sup>

The draft resolution was then put to the vote, as orally revised in its provisional form, and it was adopted unanimously as resolution 1034 (1995). The resolution reads as follows:

*The Security Council,*

*Reaffirming* all its earlier relevant resolutions on the situation in Bosnia and Herzegovina, including resolution 1019 (1995) of 9 November 1995, and condemning the Bosnian Serb party's failure, despite repeated calls that it should do so, to comply with the demands contained therein,

*Having considered* the report of the Secretary-General of 27 November 1995 pursuant to resolution 1019 (1995) on violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most,

*Gravely concerned* at the information contained in the above-mentioned report that there is overwhelming evidence of a consistent pattern of summary executions, rape, mass expulsion, arbitrary detentions, forced labour and large-scale disappearances,

*Reiterating its strong support* for the work of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993) of 25 May 1993,

*Noting* that the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), initialled at Dayton, Ohio, on 21 November 1995, provides that no person who is serving a sentence imposed by the International Tribunal and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal may stand as a candidate or hold any appointive, elective, or other public office in Bosnia and Herzegovina,

*Condemning* the failure of the Bosnian Serb party to comply with its commitments in respect of giving access to displaced persons and to persons detained or reported missing,

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<sup>452</sup> *Ibid.*, pp. 12-13.

*Reiterating its concern* expressed in the statement by its President of 7 December 1995,  
*Deeply concerned* by the plight of hundreds of thousands of refugees and displaced persons as a result of hostilities in the former Yugoslavia,

1. *Strongly condemns* all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia, demands that all concerned comply fully with their obligations in this regard, and reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;

2. *Condemns in particular in the strongest possible terms* the violations of international humanitarian law and of human rights by Bosnian Serb and paramilitary forces in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most as described in the report of the Secretary-General of 27 November 1995 and showing a consistent pattern of summary executions, rape, mass expulsions, arbitrary detentions, forced labour and large-scale disappearances;

3. *Notes with the utmost concern* the substantial evidence referred to in the report of the Secretary-General that an unknown but large number of men in the area of Srebrenica, namely in Nova Kasaba-Konjevic Polje (Kaldrumica), Kravice, Rasica Gai, Zabrde and two sites in Karakaj, and possibly also in Bratunac and Potocari, have been summarily executed by Bosnian Serb and paramilitary forces, and condemns in the strongest terms the commission of such acts;

4. *Reiterates its strong support* for the efforts of the International Committee of the Red Cross in seeking access to displaced persons and to persons detained or reported missing, and calls upon all parties to comply with their commitments in respect of such access;

5. *Reaffirms its demand* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate and unimpeded access to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka and Sanski Most who are within the areas of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross (a) to visit and register any persons detained against their will, whether civilians or members of the forces of Bosnia and Herzegovina, and (b) to have access to any site it may deem important;

6. *Affirms* that the violations of humanitarian law and human rights in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most from July to October 1995 must be fully and properly investigated by the relevant United Nations and other international organizations and institutions;

7. *Notes* that the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to resolution 827 (1993), issued on 16 November 1995 indictments against the Bosnian Serb leaders Radovan Karadzic and Ratko Mladic for their direct and individual responsibilities for the atrocities committed against the Bosnian Muslim population of Srebrenica in July 1995;

8. *Reaffirms its demand* that the Bosnian Serb party give representatives of the relevant United Nations and other international organizations and institutions, including the Special Rapporteur of the Commission on Human Rights, immediate and unrestricted access to the areas in question, including for the purpose of the investigation of the atrocities;

9. *Underlines* in particular the urgent necessity for all the parties to enable the Prosecutor of the International Tribunal to gather effectively and swiftly the evidence necessary for the Tribunal to perform its task;

10. *Stresses* the obligations of all the parties to cooperate with and provide unrestricted access to the relevant United Nations and other international organizations and institutions so as to facilitate their investigations, and notes their commitment under the Peace Agreement in this regard;

11. *Reiterates its demand* that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

12. *Also reiterates its demand* that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia, comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal, and calls upon them to create the conditions essential for the Tribunal to perform the task for which it has been created, including the establishment of offices of the Tribunal when the latter deems it necessary;

13. *Further reiterates* its demand that all detention camps throughout the territory of Bosnia and Herzegovina should be immediately closed;

14. *Urges* the parties to ensure full respect for the norms of international humanitarian law and of human rights of the civilian population living in the areas in Bosnia and Herzegovina now under their control which under the Peace Agreement will be transferred to another party;

15. *Condemns* the widespread looting and destruction of houses and other property, in particular by the Croatian Defence Council forces in the area of Mrkonjic Grad and Sipovo,

and demands that all sides immediately stop such action, investigate them and make sure that those who violated the law be held individually responsible in respect of such acts;

16. *Demands* that all sides refrain from laying mines, in particular in those areas now under their control which under the Peace Agreement will be transferred to another party;

17. *Urges* Member States to continue to assist the efforts of the United Nations, humanitarian agencies and non-governmental organizations under way in the former Yugoslavia to alleviate the plight of hundreds of thousands of refugees and displaced persons;

18. *Also urges* all the parties to the conflicts in the territory of the former Yugoslavia to cooperate fully with these efforts with a view to creating conditions conducive to the repatriation and return of refugees and displaced persons in safety and dignity;

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 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.<sup>453</sup>

**Decision** of 21 December 1995 (3613<sup>th</sup> meeting): resolution 1035 (1995)

At its 3613<sup>th</sup> meeting, on 21 December 1995, the Council resumed its consideration of the item and included the report<sup>454</sup> of the Secretary-General of 13 December 1995 in its agenda. Following the adoption of the agenda, the Council invited

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<sup>453</sup> *Ibid.*, pp. 15-16.

<sup>454</sup> S/1995/1031 and Add.1.



the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (the Russian Federation) then drew the attention of the Council members to the text of a draft resolution<sup>455</sup> prepared in the course of the Council's prior consultations.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1035 (1995). The resolution reads as follows:

*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"),

*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 IPTF and of the civilian office accordingly;

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

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<sup>455</sup> S/1995/1049.

## The situation in Croatia

### INITIAL PROCEEDINGS

**Decision** of 14 September 1993 (3275<sup>th</sup> meeting): statement by the President

At its 3275<sup>th</sup> meeting, on 14 September 1993, the Council began its consideration of the item entitled “The situation in Croatia”. 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 (Venezuela) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>456</sup> on behalf of the Council:

“The Security Council expresses its profound concern at the reports from the Secretariat of recent military hostilities in Croatia, in particular the escalation of the means employed, and the grave threat they pose to the peace process in Geneva and overall stability in the former Yugoslavia.

“The Council reaffirms its respect for the sovereignty and territorial integrity of the Republic of Croatia, and calls on both sides to accept the proposal of the United Nations Protection Force for an immediate cease-fire. It calls on the Government of Croatia to withdraw its armed forces to positions occupied before 9 September 1993, on the basis of that proposal, and calls on the Serbian forces to halt all provocative military actions.”

**Decision** of 7 February 1995 (3498<sup>th</sup> meeting): statement by the President

At its 3498<sup>th</sup> meeting, on 7 February 1995, the Council resumed its consideration of the situation in Croatia. 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 (Botswana) drew the attention of the members of the Council to several documents.<sup>457</sup> The President then stated that, after consultations among members

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<sup>456</sup> S/26436.

<sup>457</sup> S/1995/56, letter dated 18 January 1995 from the representative of Croatia addressed to the President of the Security Council; S/1995/82 and S/1995/93, letters dated 25 and 31 January 1995, respectively, from the representative of Croatia addressed to the Secretary-General.

of the Security Council, he had been authorized to make the following statement<sup>458</sup> on behalf of the Council:

"The Security Council reiterates its support for the efforts to bring about a political settlement in the Republic of Croatia which ensures full respect for the sovereignty and territorial integrity of the Republic of Croatia and which guarantees the security and rights of all communities living in a particular area irrespective of whether they constitute in this area the majority or a minority.

"The Council strongly supports the recent efforts of representatives of the International Conference on the Former Yugoslavia, the European Union, the Russian Federation and the United States of America aimed at achieving a political settlement in the Republic of Croatia. The Council calls upon the Government of the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas to enter urgently and without preconditions into negotiations on such a settlement, benefiting from proposals now made to them as part of these efforts. It calls upon all other relevant parties to support this process.

"The Council reaffirms 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.

"The Council reaffirms its view that the continued and effective presence of the United Nations Protection Force in the Republic of Croatia is of vital importance for regional peace and security and expresses its desire that discussions over the weeks ahead will lead the Government of the Republic of Croatia to re-examine its position taken on 12 January 1995 in relation to the continuing role of the Force in the Republic of Croatia."

**Decision** of 28 April 1995 (3527<sup>th</sup> meeting): resolution 990 (1995)

On 18 April 1995, pursuant to resolution 981 (1995), the Secretary-General submitted to the Council a report<sup>459</sup> on the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO). The report contained a

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<sup>458</sup> S/PRST/1995/6.

<sup>459</sup> S/1995/320.

detailed plan<sup>460</sup> for the implementation of UNCRO's mandate, as well as an assessment of the resources needed, indicating that the strength of the United Nations forces currently in Croatia could be reduced to 8,750 troops and that their deployment could be completed by 30 June 1995.<sup>461</sup>

The Secretary-General observed that the plan did not have the formal acceptance and the full support of either the Government of Croatia or the local Serbs authorities. Thus there was a risk that either or both sides would fail to cooperate with the United Nations in its implementation. On the other hand, the plan provided for the pragmatic implementation of paragraph 3 of resolution 981 (1995), and the alternative to its adoption would be the withdrawal of United Nations forces and the resumption of war. If the two sides seriously wished to avoid a renewal of the conflict, it was up to them to provide the necessary conditions for the new operation to discharge its responsibilities successfully. He therefore recommended that the Council approve the arrangements contained in the report and authorize the deployment of UNCRO to secure their implementation.

At its 3527<sup>th</sup> meeting, on 28 April 1995, the Council included the above report in its agenda. 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 (Czech Republic) then drew the attention of the Council members to the text of a draft resolution<sup>462</sup> that had been prepared in the course of the Council's prior consultations and to a letter<sup>463</sup> dated 28 April 1995 from the representative of Croatia addressed to the President of the Security Council.

The draft resolution was then put to the vote and was adopted as resolution 990 (1995). The resolution reads as follows:

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<sup>460</sup> For further details see para. 11 to 28 of the report of the Secretary-General.

<sup>461</sup> For further details see para. 29 of the report of the Secretary-General.

<sup>462</sup> S/1995/334.

<sup>463</sup> S/1995/339.

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, in particular resolutions 981 (1995) and 982 (1995) of 31 March 1995,

*Having considered* the report of the Secretary-General of 18 April 1995,

*Bearing in mind* the importance of any information relevant to the implementation of all its previous resolutions being made available to the Secretary-General,

*Reaffirming its determination* to ensure the security and freedom of movement of personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General, and in particular approves the arrangements in paragraphs 11 to 28 thereof for the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO;

2. *Decides* to authorize the deployment of UNCRO as set out in paragraph 29 of the above-mentioned report;

3. *Calls upon* the Government of the Republic of Croatia and the local Serb authorities to cooperate fully with UNCRO in the implementation of its mandate;

4. *Expresses its concern* that an agreement on the status of forces and other personnel has not yet been signed, calls once again on the Government of the Republic of Croatia to conclude expeditiously such an agreement, and requests the Secretary-General to report to the Council no later than 15 May 1995;

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

**Decision** of 1 May 1995 (3529<sup>th</sup> meeting): statement by the President

At its 3529<sup>th</sup> meeting, on 1 May 1995, the Council continued 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 (France) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>464</sup> on behalf of the Council:

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<sup>464</sup> S/PRST/1995/23.

“The Security Council is deeply concerned by the resumption of hostilities in the Republic of Croatia over the last few days.

"The Council demands that the Government of the Republic of Croatia put an end immediately to the military offensive launched by its forces in the area of Western Slavonia known as Sector West, which started on the morning of 1 May 1995 in violation of the ceasefire agreement of 29 March 1994.

"The Council also demands that the parties respect the economic agreement signed between them on 2 December 1994 and, in particular, take all necessary steps to ensure the safety and security of the Zagreb-Belgrade highway and its immediate environs.

"The Council urges the parties to cease hostilities and comply with the existing ceasefire agreement.

"The Council calls upon the parties to respect fully the safety and freedom of movement of all United Nations and European Community Monitoring Mission personnel in the area concerned, in the area known as Sector South and elsewhere, and therefore to remove all restrictions placed on United Nations personnel.

"The Council urges the parties, in order to achieve these objectives, to accept without delay the proposals put to them by the Special Representative of the Secretary-General.

"The Council expresses its full support to the Secretary-General and his Special Representative in their efforts. The Council further requests the Secretary-General to keep it informed of developments on the ground as well as in the ongoing talks."

**Decision** of 4 May 1995 (3531<sup>st</sup> meeting): statement by the President

At its 3531<sup>st</sup> meeting, on 4 May 1995, 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 (France) drew the attention of the members of the Council to two letters<sup>465</sup> respectively dated 2 and 3 May from the representative of Croatia addressed to the President of the Security Council. The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>466</sup> on behalf of the Council:

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<sup>465</sup> S/1995/349 and S/1995/351.

<sup>466</sup> S/PRST/1995/26.

"The Security Council is deeply concerned at the continuation of hostilities in the Republic of Croatia.

"The Council reaffirms in this context its statement of 1 May 1995 in all its aspects and demands that the parties comply with the requirements set out therein immediately and in full.

"The Council condemns the incursions into the zone of separation by the forces of the Government of the Republic of Croatia in Sectors North and South and by both sides in Sector East. It demands that the forces in question withdraw immediately.

"The Council also condemns the bombardment of Zagreb and other centres of civilian population by the forces of the local Serb authorities and demands that they cease immediately.

"The Council further condemns acts of harassment and intimidation against United Nations personnel and reminds the parties of their obligations to respect such personnel at all times and to ensure their safety, security and freedom of movement.

"The Council calls upon the parties to cooperate fully with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in protecting and assisting the local civilian population and any displaced persons. The Council is deeply concerned by reports that the human rights of the Serb population of Western Slavonia are being violated. It demands that the Government of the Republic of Croatia respect fully the rights of the Serb population concerned, in conformity with internationally recognized standards.

"The Council insists that the authority of UNCRO be re-established and respected in Sector West and other areas affected by the hostilities.

"The Council demands that the parties act in accordance with the proposals put to them by the Special Representative of the Secretary-General, that they cease all hostilities immediately and that they cooperate fully with the Special Representative of the Secretary-General and with UNCRO.

"The Council further calls upon the parties to enter without delay into the discussions at Geneva to which they have been invited by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

"The Council will remain actively seized of the matter and will be ready to consider further steps as necessary."

**Decision** of 17 May 1995 (3537<sup>th</sup> meeting): resolution 994 (1995)

At its 3537<sup>th</sup> meeting, on 17 May 1995, 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 (France) drew the attention of the Council members to the text of a draft resolution<sup>467</sup> submitted by France, Germany, Italy, the Russian Federation, the United Kingdom and the United States and read out some revisions that had been made to the draft. He also drew the attention of the Council members to several other documents.<sup>468</sup>

The draft resolution was then put to the vote, as orally revised in its provisional form, and was adopted unanimously as resolution 994 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the conflicts in the territory of the former Yugoslavia and in particular resolutions 981 (1995) and 982 (1995) of 31 March 1995 and 990 (1995) of 28 April 1995,

*Deeply concerned* that the objectives set out in the statements by the President of the Security Council of 1 May and 4 May 1995 have not been implemented in all their aspects and that the agreement reached by the parties on 7 May 1995 through the mediation of the United Nations Peace Forces headquarters has been violated, in particular regarding the withdrawal of forces from the zones of separation,

*Emphasizing* the necessity for full compliance by the parties with the ceasefire agreement of 29 March 1994, and stressing the importance of such compliance for the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO,

*Emphasizing further* that withdrawal from the zones of separation is a condition for the implementation of the mandate of UNCRO,

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<sup>467</sup> S/1995/395.

<sup>468</sup> S/1995/363 and S/1995/397, letters dated 8 and 17 May 1995, respectively, from the representative of Croatia addressed to the President of the Security Council; S/1995/383, letter dated 10 May 1995 from the chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council.



*Affirming 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, stressing the importance it attaches to the mutual recognition thereof, and in this context welcoming all international efforts to facilitate a negotiated solution to the conflict in the Republic of Croatia,

*Emphasizing* that full observance of human rights, including appropriate international monitoring thereof, in particular in the area of Western Slavonia known as Sector West, is an essential step towards restoration of confidence between the parties and building a durable peace,

*Condemning in the strongest terms* all unacceptable acts which were directed at the personnel of the United Nations peacekeeping forces, and determined to obtain strict respect of the status of such personnel in the Republic of Croatia as provided for in the Agreement between the United Nations and the Government of the Republic of Croatia signed on 15 May 1995,

*Reaffirming its determination* to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* the statements by the President of the Security Council of 1 May and 4 May 1995 issued as a result of the military offensive launched by the forces of the Government of Croatia in the area of Western Slavonia known as Sector West on 1 May 1995 in violation of the ceasefire agreement of 29 March 1994;

2. *Notes with satisfaction* the steps taken so far as to meet the requirements set out in the above-mentioned statements, but demands that the parties complete without further delay the withdrawal of all their troops from the zones of separation and refrain from any further violations of those zones;

3. *Stresses* the need for the early re-establishment of the authority of UNCRO, in accordance with its mandate;

4. *Requests* the Secretary-General to make the necessary arrangements in order to ensure full deployment of UNCRO, after the withdrawal of the troops of the parties, as provided for in its mandate established by resolutions 981 (1995) and 990 (1995);

5. *Demands* that the status and the mandate of UNCRO as well as the safety and security of its personnel be respected;

6. *Demands also* that the Government of the Republic of Croatia respect fully the rights of the Serb population, including their freedom of movement, and allow access to this

population by international humanitarian organizations, in conformity with internationally recognized standards;

7. *Requests* the Secretary-General, in cooperation with the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population in Sector West, including the problem of refugees, and to report thereon as soon as possible;

8. *Fully supports* the efforts of the Special Representative of the Secretary-General to achieve the objectives outlined in the statements by the President of the Security Council of 1 and 4 May 1995, and requests the parties to cooperate fully to this end;

9. *Calls upon* the parties to respect the economic agreement signed by them on 2 December 1994, and in particular to take all necessary steps to ensure the safety and security of the Zagreb-Belgrade highway and its immediate environs as provided for in that agreement;

10. *Demands* that the parties refrain from taking any further military measures or actions that could lead to the escalation of the situation, and warns that in the event of failure to comply with this demand it will consider further steps needed to ensure such compliance;

11. *Requests* the Secretary-General to report to the Council for its consideration within two weeks on the implementation of the provisions of the present resolution, including on the modalities for the implementation of the mandate of UNCRO in Sector West;

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

Speaking after the vote, the representative of Italy stated that the resolution just adopted could and must encourage the parties to speed up their complete and unconditional withdrawal from the zones of separation in order to allow the complete and immediate deployment of UNCRO, and the full implementation of its mandate as outlined in resolutions 981 (1995) and 990 (1995). Nevertheless, resolution 994 (1995) was not merely an attempt to remedy a situation created on the ground by the recent Croatian offensive: it also looked to the future. In that regard, the speaker emphasized the importance of paragraph 10, which contained a firm warning to the parties, demanding that they refrain from taking any further military initiatives that could lead to a new escalation of the conflict. If the parties did not refrain from such initiatives, the Council

should not hesitate to consider further measures to ensure compliance with that demand.<sup>469</sup>

The representative of the United Kingdom noted that the resolution just adopted condemned in the strongest possible terms any action against United Nations personnel. Progress towards the withdrawal of troops from the zones of separation was welcome, but it was essential that such a withdrawal be completed forthwith. Otherwise, there was little chance of getting the political process back on track, and only when withdrawal had been completed would UNCRO be able to redeploy so as to begin its tasks of implementing its mandate. It was also essential that the United Nations and other international bodies be given full access to Western Slavonia, so as to lay to rest concerns about human rights. The report of the Secretary-General on the implementation of resolution 994 (1995), to be submitted within the following two weeks, would be important as the Council would need to consider at that stage how best to ensure full deployment of UNCRO in accordance with its mandate.<sup>470</sup>

The representative of the Russian Federation stated that it was the non-compliance with the demands set forth in the presidential statements of 1 and 4 May, that had forced his delegation to consider the real need to adopt a resolution that would demonstrate that the Council did not intend to go along with violations of its decisions. His delegation assumed that the adoption of resolution 994 (1995) would lead to: a full restoration of the mandate of UNCRO; a full withdrawal of the forces of all sides from the zones of separation; and the appropriate implementation of the cease-fire agreement and the economic agreement. Referring to paragraph 6 of that resolution, the speaker said that Russia expected that the Secretary-General would carry out the request to prepare a report on the humanitarian situation of the Serb population in Sector West. He further noted that his delegation would have preferred the resolution to contain a clearer assessment of the situation that had arose as a result of the Croatian attacks, such as the failure to observe the military embargo against Croatia. He concluded by pointing out

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<sup>469</sup> S/PV.3537, pp. 2-3.

<sup>470</sup> *Ibid.*, pp. 3-4.

that the resolution just adopted did not in any way conclude the Council's consideration of Croatia. In that regard, he referred to paragraph 10 of the resolution in which the Council warned the parties that in the event they would not comply with the demand contained in that paragraph, it would consider additional steps.<sup>471</sup>

The President, speaking in his capacity as the representative of France, recalled that the Council had demanded in clear terms, in its presidential statements of 1 and 4 May, that an end be put to the armed incursions in the zones of separation in Croatia. He noted that, in spite of the commitments announced in that respect by the Croatian authorities, concrete withdrawal operations on the ground had been partial and delayed. That was why France had voted in favour of resolution 994 (1995) which demanded that a total withdraw be completed without further delay. That demand was also addressed to the Croatian Serb forces which were still in the zones of separation. The situation could not truly be stabilized unless both parties respect the buffer zones.<sup>472</sup>

**Decision** of 16 June 1995 (3545<sup>th</sup> meeting): statement by the President

On 9 June 1995, pursuant to resolution 994 (1995), the Secretary-General submitted to the Council a report<sup>473</sup> on the implementation of that resolution, including on the modalities for the implementation of the mandate in Sector West of UNCRO, and on the humanitarian situation of the local Serb population in Sector West.

The Secretary-General noted that the Croatian military offensive in Sector West on 1 May 1995 had underlined the reality that peacekeeping forces could not keep the peace without the cooperation of the parties. While the presence of United Nations forces was critical for achieving the cessation-of-hostilities agreement of 3 May 1995, for preventing escalation and for monitoring the subsequent humanitarian and human rights situation of Serbs in the Sector, it had not been sufficient to prevent the sequence of events leading to the Croatian offensive nor to forestall the offensive itself. In these

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<sup>471</sup> *Ibid.*, pp. 5-6.

<sup>472</sup> *Ibid.*, p. 7.

<sup>473</sup> S/1995/467.

circumstances, he had seriously re-examined the role of UNCRO. In meetings with his Special Representative, both sides had stated their desire that the peace-keeping mission should continue. But cooperation on the ground had been unsatisfactory and UNCRO personnel had been put at risk. Concerning UNCRO's mandate, there appeared to be common ground between the parties that the mission should fulfil the tasks arising from the cease-fire and economic agreements and from its humanitarian and human rights mandates. The redeployment of the mission by 30 June 1995 was no longer possible however.

The Secretary-General stated that the parties's request that UNCRO should stay was a positive deployment. He therefore intended to monitor closely the continuing level of the parties' cooperation with UNCRO and particularly the extent to which they complied with the cease-fire agreement, allowed UNCRO full freedom of movement and made serious efforts to protect its personnel. UNCRO would coordinate closely with the Croatian Government as well as with international organizations and agencies, to ensure full respect for the human rights of the Serb minority in Sector West and to report on the extent to which purposeful policies of reconciliation and confidence-building were being implemented in the Sector. The Secretary-General was conscious that there remained, on both sides, influential elements that continued to be unreconciled to the objectives of the international community and who were inclined to pursue their ends by military means.

At its 3545<sup>th</sup> meeting, on 16 June 1995, the Council included the above report in its agenda. 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 (Germany) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>474</sup> on behalf of the Council:

“The Security Council has considered the report of the Secretary-General of 9 June 1995 submitted pursuant to its resolution 994 (1995) of 17 May 1995. It is concerned at the situation described therein, and at the continuing failure of the parties to cooperate

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<sup>474</sup> S/PRST/1995/30.

satisfactorily with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and to comply fully with the demands of the Council. It condemns in particular the continuation of offensive actions and the intimidation of UNCRO personnel in violation of its resolution 994 (1995).

“The Council looks to the parties to cooperate fully and unconditionally with UNCRO in the performance of its mandate and to ensure the safety, security and freedom of movement of its personnel. The Council demands that they fulfil their commitment under the ceasefire agreement of 29 March 1994, in particular in respect of the withdrawal of all forces and heavy weapons from the zones of separation, and fully implement the agreement of 2 December 1994 on economic confidence-building measures. It calls upon the parties, and in particular the Government of Croatia, to cease all military action in and around Sector South. It also calls upon all parties to respect fully the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina and to stop any action that extends the conflict across this border, since this is in violation of the Council's resolutions. It reiterates its warning that in the event of failure to comply with the demand in its resolution 994 (1995) that the parties refrain from taking any further military measures or actions that could lead to the escalation of the situation, it will consider further steps needed to ensure such compliance.

“The Council requests the Committee established under resolution 724 (1991) of 15 December 1991 to continue to investigate, in accordance with its mandate, reports of violations of resolution 713 (1991) of 25 September 1991.

“The Council welcomes the agreement of the Government of Croatia to a continued UNCRO presence in the area of Western Slavonia known as Sector West for the purposes of implementing its mandate, in particular in respect of human rights, to which it continues to attach great importance. It endorses the Secretary-General's view as to the necessity for reconciliation and confidence-building in that Sector. It stresses the importance it attaches to full respect for the human rights of the Serb population there. It encourages the Secretary-General to continue his coordination with the United Nations High Commissioner for Human Rights as well as other international organizations and agencies in this regard.

“The Council notes the Secretary-General's judgement that completion of the redeployment of United Nations peacekeeping personnel in the Republic of Croatia by 30 June 1995 envisaged in its resolution 982 (1995) of 31 March 1995 is no longer possible. It requests the Secretary-General to proceed as expeditiously as possible with this

redeployment with the aim of fulfilling all tasks under the mandate of UNCRO. It demands that the parties cooperate with the efforts of UNCRO to implement fully its mandate.

“The Council notes the fact that both parties have stated their desire that the peacekeeping mission should continue and that they are seeking the assistance of UNCRO. It welcomes the Secretary-General's intention to monitor closely their cooperation with UNCRO and their compliance with the ceasefire agreement of 29 March 1994, and requests him to keep the Council fully informed. Such cooperation and compliance are essential for the implementation of the mandate of UNCRO and for progress towards a negotiated settlement which respects fully the sovereignty and territorial integrity of the Republic of Croatia and which guarantees the security and rights of all communities.

“The Council could not countenance moves by the local Serb authorities in the Republic of Croatia and the Republic of Bosnia and Herzegovina to establish a union between them, since this would be inconsistent with the Council's commitment to the sovereignty and territorial integrity of the Republic of Croatia and the Republic of Bosnia and Herzegovina.

“The Council stresses that there can be no military solution to the conflict and calls upon the parties to reaffirm their commitment to a peaceful resolution of their differences.

“The Council notes with distress the loss of life and casualties which have been suffered by UNCRO and extends its condolences to the families of the bereaved.

“The Council will remain seized of the matter.”

**Decision** of 3 August 1995 (3560<sup>th</sup> meeting): statement by the President

At its 3560<sup>th</sup> meeting, on 3 August 1995, 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 (Indonesia) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>475</sup> on behalf of the Council:

"The Security Council is deeply concerned at the deterioration in the situation in and around the Republic of Croatia.

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<sup>475</sup> S/PRST/1995/37.

"The Council fully supports the efforts of the Special Representative of the Secretary-General and of the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia to defuse the situation, in line with the Council's previous resolutions.

"The Council stresses that there can be no military solution to the conflict in Croatia and welcomes the holding of talks between the parties at Geneva earlier today. It calls on both parties to commit themselves fully to that process and to acceptance of the draft agreement drawn up by the Co-Chairman as a basis for continuing those talks.

"The Council demands that the parties halt all military actions and exercise the utmost restraint."

**Decision** of 4 August 1995 (3561<sup>st</sup> meeting): statement by the President

At its 3561<sup>st</sup> meeting, on 4 August 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a letter<sup>476</sup> dated 4 August 1995 from the representative of Croatia addressed to the President of the Security Council, transmitting a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia.

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>477</sup> on behalf of the Council:

"The Security Council is deeply concerned at the resumption of hostilities in and around the Republic of Croatia. The Council recalls the statement by its President of 3 August 1995. It strongly deplores the decision by the Croatian Government to launch a broad military offensive, thereby unacceptably escalating the conflict, with the risk of further consequent attacks by whatever party, and demands that all military action cease immediately and that there be full compliance with all Council resolutions including resolution 994 (1995).

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<sup>476</sup> S/1995/647.

<sup>477</sup> S/PRST/1995/38.



"The Council condemns any shelling of civilian targets. It demands that no military action be taken against civilians and that their human rights be fully respected. It reminds the parties of their responsibilities under international humanitarian law and reiterates that those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. The Council calls on the parties to cooperate fully with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in ensuring access and protection to the local civilian population as appropriate.

"The Council strongly condemns attacks by Croatian Government forces on personnel of the United Nations peacekeeping forces, which have resulted in casualties, including the death of one member of the peacekeeping forces. It demands that such attacks cease immediately and that all detained personnel be released. It also reminds the parties, and in particular the Croatian Government, that they have an obligation to respect United Nations personnel, to ensure their safety and freedom of movement at all times and to enable UNCRO to fulfil its mandate in accordance with the relevant Council resolutions. The Council expresses condolences to the Government of Denmark and to the family of the member of the United Nations peacekeeping forces who lost his life.

"The Council deeply regrets the breakdown of the talks which began at Geneva on 3 August 1995. It calls upon the Croatian Government to return to the talks. It reiterates that there can be no military solution to the conflict in Croatia. It reaffirms its call for an unreserved commitment to the search for a negotiated settlement and to resumption of talks on the basis of the draft agreement drawn up by the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia.

"The Council will remain seized of the matter and will consider any further measures that may be necessary."

**Decision** of 10 August 1995 (3563<sup>rd</sup> meeting): resolution 1009 (1995)

On 3 August 1995, pursuant to resolution 981 (1995), the Secretary-General submitted to the Council a report<sup>478</sup> on the situation in Croatia, including on the ability of UNCRO to implement its mandate. The Secretary-General reported that, although there

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<sup>478</sup> S/1995/650.

had been no large-scale hostilities since May 1995, there had been almost continuous skirmishes, exchanges of fire, incidents and troop deployments within the zones of separation, and an increased number of violations of the heavy weapons withdrawal zones. Those actions, by both sides, had eroded the credibility of the cease-fire agreement to the point where neither side appeared committed to its key provisions. Moreover, the existing military situation, coupled with restrictions on freedom of movement constantly imposed by both sides, had prevented UNCRO from taking any significant remedial action and, in some cases, from even monitoring the situation. Peacekeepers had been unable to position themselves between the warring factions and had been prevented from deploying along the international border. The Secretary-General concluded that, given the high degree of uncertainty concerning developments in Croatia, it was not possible at that time to make a recommendation as to the future of UNCRO. It was his intention, however, to revert to the Security Council with such a recommendation at an appropriate time in the future.

By a letter<sup>479</sup> dated 7 August 1995 addressed to the President of the Security Council, the Secretary-General reported that on 4 August, the Croatian Army had launched a major offensive against the Krajina region, and a significant number of United Nations observation posts had been overrun by the Croatian Army, with some coming under fire. On two occasions, United Nations troops and Serb prisoners had been used as human shields by Croatian Army units. Subsequently, the United Nations had suffered a total of 18 casualties, three of which had been fatal. On 6 August, the Co-Chairmen of the International Conference on the Former Yugoslavia and representatives of the European Union had met in Geneva with the Foreign Minister of Croatia which had expressed confidence that the Croatian military operation would be completed within 24 hours and had indicated that Croatia would investigate incidents in which United Nations troops had been attacked. The Minister had also given assurances about granting humanitarian organizations access to civilians displaced by the fighting. The Secretary-General further

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<sup>479</sup> S/1995/666.

noted that a refugee crisis of major proportions had begun. Tensions remained high and the possibility of continuing hostilities could not be ruled out.

At its 3563<sup>rd</sup> meeting, on 10 August 1995, the Council included the above report and letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the subsequent discussion. The President (Indonesia) then drew the attention of the Council members to the text of a draft resolution<sup>480</sup> that had been prepared in the course of the Council's prior consultations and to several other documents.<sup>481</sup>

At the same meeting, the representative of Croatia stated that Croatia's action had been carried out mostly on its internationally-recognized territory and in part of the territory of Bosnia and Herzegovina, at the express request of that Government, arguing that establishing sovereignty and security on its own territory and coming to the aid of a friendly Government were fully consistent with the Charter of the United Nations. The speaker further claimed that the siege of Bihac, which had been a serious concern for the international community, had been resolved at minimal cost to the international community and to the civilian population in the area. Croatia therefore regretted that the Council had not accepted an amendment that would have acknowledged that the siege of Bihac had been successfully lifted. His Government had accepted responsibility for those and other casualties amongst United Nations personnel and had taken appropriate measures to remedy the costs of individual "indiscretions" and criminal acts against the peacekeepers. His Government also fully supported the new initiative by the United

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<sup>480</sup> S/1995/676.

<sup>481</sup> S/1995/658 and S/1995/660, letters dated 7 August 1995 from the chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council; S/1995/656 and S/1995/663, letters dated 4 and 6 August 1995, respectively, from the chargé d'affaires a.i. of Yugoslavia addressed to the Secretary-General; S/1995/662 and S/1995/664, letters dated 6 and 7 August 1995, respectively, from the representative of Bosnia and Herzegovina addressed to the Secretary-General; S/1995/670, letter dated 8 August 1995 from the representative of Croatia addressed to the President of the Security Council; S/1995/672, letter dated 8 August 1995 from the representative of the Russian Federation addressed to the Secretary-General; and S/1995/675, letter dated 9 August 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council.

States to restart the negotiating process in a timely manner, and it would support a new conference along the lines suggested by President Yeltsin of the Russian Federation. The new negotiations should be based on the principle of mutual recognition among all successor States of the former Yugoslavia and on the linkage of the sanctions régime against the Federal Republic of Yugoslavia (Serbia and Montenegro) to its role in the implementation of a negotiated settlement for the Serbian minority in Croatia. Such a linkage would be important in respect of a successful resolution to the problem of the remaining occupied territory in Croatia - the Vukovar region (the former Sector East). The speaker also contended that the Belgrade occupation of that territory could not be more evident and warned that the premature easing of the sanctions régime before that problem had been resolved might leave the Croatian Government with no option other than a military one. Before concluding, the speaker noted that Croatia would look to UNCRO to assist it in resolving the problem of the Vukovar region peacefully. As UNCRO redefined its role in the “reintegrated areas” of Croatia, the Croatian Government would welcome a redeployment of its excess resources to the international border in the Vukovar region.<sup>482</sup>

The representative of Bosnia and Herzegovina argued that Croatia’s action had been in defence of its territories and rights and in promotion of peace and stability within its borders and had preserved the Bihac safe area. That was a victory of the Croatian army over the terrorists and criminals among the Serbians who wanted to carry out violence against innocent civilians on both sides.<sup>483</sup>

Mr. Djokic stated that, by opting for “all-out aggression”, Croatia had not simply attacked the Serb population, but also flagrantly violated the Security Council resolutions establishing the United Nations protected areas in Krajina, and had breached the Vance plan. The Croatian Government had acted in total disregard of the unambiguous and clear-cut demands of the Security Council, that it refrain from taking any further actions that could lead to the escalation of the situation, and particularly that it cease all military

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<sup>482</sup> S/PV.3563, pp. 2-4.

<sup>483</sup> *Ibid.*, pp. 5-7.

actions in and around sector South. It was particularly worrisome that the Security Council and the international community had not condemned the “brutal” Croatian aggression. Particular responsibility lay with the Security Council, whose primary role under Chapter VII of the Charter was to maintain peace and security and protect the victims of aggression, to take “concrete and resolute measures” against Croatia. The speaker noted that it was particularly distressing that the Council did not demand that Croatian troops withdraw to the positions held prior to 4 August 1995 and that the calls for the introduction of comprehensive actions against Croatia had been ignored. He further urged the Security Council to make Croatia allow access to representatives of the United Nations and humanitarian organizations to the territories of Krajina in order to conduct a thorough and objective investigation into the events that had taken place during the Croatian offensive, including alleged massacres, torture, opening fire on refugees, and the use of United Nations personnel and Serb soldiers and civilians as human shields.

He added that the draft resolution before the Council represented a totally inadequate response to the drama that had been unfolding in Krajina.<sup>484</sup>

Speaking before the vote, the representative of Germany stated that his delegation deplored the Croatian Government’s decision to use military means to regain those territories previously known as Sector South and Sector North. At the same time it was ready to acknowledge that Croatia’s patience had been tested severely by the intransigence of the Croatian Serb leadership and by the great number of cease-fire violations committed by Croatian Serb forces and their pattern of cross border attacks, in particular in the area of Bihac. From the German view, there were now three priorities. First, the urgent humanitarian needs must be addressed, and full respect for human rights must be ensured. Second, the situation in and around Croatia must be stabilized. Third, the conflicting parties must be brought back to the negotiating table. Before concluding, the speaker stated that Croatia needed to ensure that the human rights and minority rights of the Serbs of the former Sector East and Sector North were fully respected. Germany was deeply concerned about the fate of the Croatian Serb refugees and considered it

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<sup>484</sup> *Ibid.*, pp. 7-9.

crucial that Croatia guarantee the right of those refugees to return, and that the Croatian authorities do everything in their power to create circumstances and a climate conducive to such a return.<sup>485</sup>

The representative of China stated that his delegation would vote in favour of the draft resolution because it urged the parties to stop hostilities immediately and resume negotiations at an early date, it called for an urgent solution to humanitarian problems, and it called upon the parties to ensure the freedom of movement of UNCRO personnel. China maintained its reservation, however, with regard to the references in the draft resolution to Chapter VII of the Charter and resolution 816 (1993).<sup>486</sup>

The representative of the Russian Federation stated that the Croatian offensive had brought to naught the efforts of the international community to find a political solution. He argued that Zagreb had taken a stance of integrating Serb-populated regions by force, meaning that the principle of a just solution had been sacrificed to a philosophy of *fait accompli*. Russia believed that such an approach would have harmful consequences both for the settlement of the Yugoslav crisis and for the role to be played by the United Nations in maintaining and restoring international peace and security. The speaker stated that the gravity of the situation required the adoption of urgent measures. Russia therefore had taken an active part in the preparation of the draft resolution. Of special importance in Russia's view was the demand that Croatia cease immediately all hostilities and comply with all relevant Council resolutions, including resolution 994 (1995), and that it fully respect the rights of the local Serb population. No less important was the demand by the Council that Croatia respect the status of United Nations personnel, put an end to attacks on it and punish those guilty of perpetrating them. Noting that the draft resolution referred with concern to reports of violations of resolution 713 (1991), the speaker stated that the tragic events in Croatia had reaffirmed that if violations of the arms embargo went unpunished, the parties would be tempted to try to solve disputes not around the negotiating table, but by force of arms. It was therefore necessary

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<sup>485</sup> *Ibid.*, pp. 11-12.

<sup>486</sup> *Ibid.*, p. 12.

to adopt additional measures to ensure effective compliance with resolution 713 (1991). Another clear conclusion was that the United Nations peace-keeping operations in Croatia must continue in order to prevent a complete humanitarian catastrophe and to ensure objective international observation of the actions of the Croatian authorities with regard to the Serbian population that had come under its control. In that regard, any violations of international law required the adoption of effective and impartial measures, including by the Council. The situation in Croatia had to remain under the close scrutiny of the Council which would be prepared to consider further measures to achieve compliance with the draft resolution. There were such measures that the Council could take, and that should be remembered by those who believed that the Council's decision were not binding on them.<sup>487</sup>

The draft resolution was then put to the vote and was adopted unanimously as resolution 1009 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous resolutions on the conflicts in the territory of the former Yugoslavia, in particular resolutions 981 (1995) of 31 March 1995, 990 (1995) of 28 April 1995 and 994 (1995) of 17 May 1995,

*Reaffirming* the statements by its President of 3 and 4 August 1995, and deeply concerned that the demands set out therein have not yet been fully complied with by the Government of the Republic of Croatia,

*Having considered* the report of the Secretary-General of 3 August 1995 and his letter of 7 August 1995,

*Noting with concern* reports of violations of resolution 713 (1991) of 25 September 1991 as reflected in the report of the Secretary-General of 3 August 1995,

*Deeply regretting* the breakdown of the talks which began at Geneva on 3 August 1995,

*Affirming 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, stressing the importance it

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<sup>487</sup> *Ibid.*, pp. 13-15.

attaches to the mutual recognition thereof, and in this context welcoming all international efforts to facilitate a negotiated solution to the conflict in the Republic of Croatia,

*Strongly deploring* the broad military offensive launched on 4 August 1995 by the Government of the Republic of Croatia, thereby unacceptably escalating the conflict, with the risk of further consequent attacks by whatever party,

*Condemning* the shelling of civilian targets,

*Deeply concerned* at the grave situation of persons displaced from their homes as a result of the conflict and at reports of violations of international humanitarian law,

*Stressing* the need to protect the rights of the local Serb population,

*Condemning in the strongest terms* the unacceptable acts by Croatian Government forces against personnel of the United Nations peacekeeping forces, including those which have resulted in the death of one Danish and two Czech members of those forces, and expressing its condolences to the Governments concerned,

*Taking Note* of the agreement between the Republic of Croatia and the United Nations Peace Forces signed on 6 August 1995, and stressing the need for the Government of the Republic of Croatia to adhere strictly to its provisions,

*Reaffirming its determination* to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Government of the Republic of Croatia cease immediately all military actions and that there be full compliance with all Council resolutions, including resolution 994 (1995);

2. *Demands also* that the Government of the Republic of Croatia, in conformity with internationally recognized standards and in compliance with the agreement of 6 August 1995 between the Republic of Croatia and the United Nations Peace Forces, (a) respect fully the rights of the local Serb population, including their rights to remain, leave or return in safety, (b) allow access to this population by international humanitarian organizations and (c) create conditions conducive to the return of those persons who have left their homes;

3. *Reminds* the Government of the Republic of Croatia of its responsibility to allow access for representatives of the International Committee of the Red Cross to members of the local Serb forces who are detained by the Croatian Government forces;

4. *Reiterates* that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts;



5. *Requests* the Secretary-General, in cooperation with the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population, including the problem of refugees and displaced persons, and to report thereon as soon as possible;

6. *Demands* that the Government of the Republic of Croatia fully respect the status of United Nations personnel, refrain from any attacks against them, bring to justice those responsible for any such attacks and ensure the safety and freedom of movement of United Nations personnel at all times, and requests the Secretary-General to keep the Council informed of steps taken and decisions rendered in this regard;

7. *Urges* the parties and others concerned to exercise maximum restraint in and around Sector East, and requests the Secretary-General to keep the situation there under review;

8. *Reminds* all parties of their obligation to comply fully with the provisions of resolution 816 (1993) of 31 March 1993;

9. *Reiterates its call* for a negotiated settlement that guarantees the rights of all communities, and urges the Government of the Republic of Croatia to resume talks under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia;

10. *Requests* the Secretary-General to report to the Council within three weeks of the adoption of the present resolution on its implementation and on the implications of the situation for the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and expresses its readiness to consider promptly his recommendations in relation to UNCRO;

11. *Decides* to remain actively seized of the matter and to consider further measures to achieve compliance with the present resolution.

Speaking after the vote, the representative of France noted that while Sector North and Sector South, where the Croatian offensive unfolded, were part of Croatia, the Serb population in these regions did have rights recognized by the international community. In that regard, he recalled that recognition of Croatia by the European Union was made expressly contingent on recognition by that State of the rights of the Serb minority. The speaker further stated that the resolutions of the Security Council made it incumbent upon the Croatian authorities to turn to negotiation to bring about reintegration within the

Republic of the territories in question. By putting an end to discussions in Geneva with the Serb party in Croatia and deliberately choosing the military option to restore their authority in these sectors, the Zagreb authorities had taken a decision contrary to their international obligations. Turning to the resolution, the speaker noted that the resolution just adopted was timely and fitting for three reasons. First, it placed very special emphasis on respect for the rights of civilians. The Serb populations must be free to move about and those who had fled must be able to come back in satisfactory conditions of safety and security to their region of origin. It was also essential that humanitarian organizations be able to monitor the situation. Secondly, the resolution embodied a very forceful condemnation of the behaviour of Croatian Government forces towards United Nations forces. Those responsible for violations of the laws of war would have to be brought to justice. Finally, the resolution clearly warned that hostilities should not be pursued in the direction of Sector East, because that would raise by yet another notch the escalation and the risk of generalization of the conflict.<sup>488</sup>

The representative of the United States noted that her Government regretted the decision by the Government of Croatia to launch an offensive against the Krajina region. It also urged all parties to refrain from further attacks, whether within Croatia or Bosnia and Herzegovina. The speaker urged that it must be a priority for all parties to protect civilian refugees who had been forced to flee the military operations. The rights of those Serbs who chose to remain in Croatia must also be respected and it was essential that international agencies had unimpeded access to observe conditions in Krajina and provide humanitarian relief where needed. The United States expected the war-crimes Tribunal to investigate allegations of abuse against unarmed civilians, and it joined in condemning the wrongful acts committed against United Nations peacekeepers. The resolution just adopted reminded Croatia of its obligation to create conditions conducive to the safe return of those persons who had fled their homes, and it stressed the importance of granting the ICRC access to those who had been detained. At the same

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<sup>488</sup> *Ibid.*, pp. 16-17.

time, while the United States regretted the means used, it was also necessary to recognize that the new safe area of Bihac was now open to humanitarian relief.<sup>489</sup>

The President, speaking in his capacity as the representative of Indonesia, stated that his delegation had voted in favour of the resolution just adopted since it embodied principles that Indonesia had consistently espoused, including commitment to the search for a comprehensive negotiated settlement of the conflicts in the former Yugoslavia, the need to respect international humanitarian law and the inviolability of all United Nations personnel, as well as the sovereignty and territorial integrity of all States of the former Yugoslavia.<sup>490</sup>

**Decision** of 29 August 1995: letter from the President to the Secretary-General

On 23 August 1995, pursuant to resolution 1009 (1995), the Secretary-General submitted to the Council a report<sup>491</sup> on the implications of the situation in Croatia on the mandate of UNCRO.

The Secretary-General reported that since his last report of 3 August and his letter of 7 August, neither party had ceased military actions, nor have they complied fully with relevant Security Council resolutions. Tensions had remained high, especially in Sector East, and the Croatian Army had not always prosecuted its campaigns with sufficient regard for the safety of United Nations personnel or Krajina Serb civilians. Croatia's reintegration by force of the former Sectors West, South, and North had eliminated the need for infantry battalions in these areas. The Theatre Force Commander had therefore initiated the immediate reduction of UNCRO's troop strength. The Secretary-General observed that UNCRO's immediate task in Sector East was to try to re-establish the regime created by the cease-fire agreement. If that could be achieved, he would be inclined to think that there would be a continuing role for United Nations forces in Sector East. He had instructed his Special Representative to consult with the Croatian

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<sup>489</sup> *Ibid.*, p. 20

<sup>490</sup> *Ibid.*, p. 21.

<sup>491</sup> S/1995/730.

Government and the local Serb leadership in Sector East, in order to define a possible mandate for UNCRO. He had also requested him to discuss with the Croatian Government what tasks, if any, UNCRO could perform elsewhere in Croatia. The Secretary-General recommended that the Security Council approve the further repatriation, during the existing mandate, of all remaining battalions, with the exception of two in Sector East.<sup>492</sup>

By a letter<sup>493</sup> dated 29 August 1995, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council have considered your report of 23 August 1995 pursuant to resolution 1009 (1995).

“The members of the Council agree with your recommendation set out in paragraph 32 of that report concerning the repatriation of remaining battalions of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, with the exception of the two in Sector East. They support the views you express concerning the possible future configuration and tasks of UNCRO and urge you to continue your contacts in this regard. They express their readiness to consider further recommendations in the light of those contacts. Pending such consideration, they stress the importance they attach to the retention of the current configuration and tasks of UNCRO in Sector East. They underline the need for a new spirit of cooperation with UNCRO there and elsewhere in the Republic of Croatia.

“The members of the Council fully support you in your efforts to ensure that the parties and others concerned exercise maximum restraint in and around Sector East and pursue a negotiated solution.

“The members of the Council note with concern the difficulties you report concerning implementation by the Croatian Government of the agreement on the status of forces. They look to the Croatian Government to implement fully and unconditionally the terms of that agreement in all aspects.

“The members of the Council express their concern over the humanitarian problems described in your report. They stress the importance they attach to fulfilment of the

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<sup>492</sup> Ibid., para.32

<sup>493</sup> S/1995/748.

provisions of the Council's resolutions in this regard and to efforts by the international community to alleviate the plight of refugees and displaced persons.”

**Decision** of 7 September 1995 (3573<sup>rd</sup> meeting): statement by the President

At its 3573<sup>rd</sup> meeting, on 7 September 1995, the Council included the report of the Secretary-General of 23 August 1995 in its agenda. 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 (Italy) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>494</sup> on behalf of the Council:

"The Security Council has considered the report of the Secretary-General of 23 August 1995 submitted pursuant to its resolution 1009 (1995) of 10 August 1995 and in particular the humanitarian situation and human rights violations described therein.

"The Council expresses its deep concern at the grave situation of refugees and persons displaced during the Croatian offensive and at reports of violations of international humanitarian law as described in the report of the Secretary-General. The Council shares the view of the Secretary-General that the mass exodus of the local Serb population has created a humanitarian crisis of significant proportions. The Council is also concerned by reports of human rights violations, including the burning of houses, looting of property and killings, and demands that the Government of Croatia immediately investigate all such reports and take appropriate measures to put an end to such acts.

"The Council reiterates its demand that the Government of the Republic of Croatia respect fully the rights of the local Serb population, including their right to remain or return in safety.

"The Council welcomes efforts made by the Secretary-General in coordination with international humanitarian organizations in response to this acute humanitarian situation. It calls upon all Member States to provide urgent humanitarian relief and assistance to those refugees and displaced persons.

"The Council reiterates that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. The Council

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<sup>494</sup> S/PRST/1995/44.

reiterates in this context that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993), and its organs.

"The Council will remain actively seized of the matter."

**Decision** of 3 October 1995 (3584<sup>th</sup> meeting): statement by the President

At its 3584<sup>th</sup> meeting, on 3 October 1995, the Council continued its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>495</sup> on behalf of the Council:

"The Security Council expresses its concern at the humanitarian situation in and around the Republic of Croatia, including the situation of refugees from the Republic of Bosnia and Herzegovina.

"The Council is particularly concerned at the withdrawal of refugee status from and the consequent ending of assistance to many refugees from the Republic of Bosnia and Herzegovina at present in the Republic of Croatia. The decisions of the Government of Croatia in this regard may lead to the involuntary return of tens of thousands of people to an area that is neither safe nor prepared to receive them. The Council stresses the importance of the principle of non-refoulement set out in the 1951 Geneva Convention relating to the Status of Refugees, to which Croatia is a party. The Council urges the Government of Croatia to continue to provide asylum to all refugees regardless of their origin.

"The Council is also seriously concerned at the situation of the refugees from the Republic of Croatia wishing to return, as well as of those ethnic Serbs who have chosen to remain in the Republic of Croatia. It reiterates its demands, contained, *inter alia*, in its resolution 1009 (1995), that the Government of Croatia respect fully the rights of the local Serb population, including their right to remain or return in safety, investigate all reports of human rights violations and take appropriate measures to put an end to such acts. The

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<sup>495</sup> S/PRST/1995/49.

Council calls upon the Government of Croatia to lift any time-limits placed on the return of refugees to Croatia to reclaim their property. The Council also calls upon the Government to cooperate with international humanitarian organizations in the creation of conditions conducive to the repatriation of refugees in safety and dignity.

"The Council will remain actively seized of the matter."

**Decision** of 10 October 1995: letter from the President to the Secretary-General

On 29 September 1995, pursuant to resolution 1009 (1995), the Secretary-General submitted to the Council a report<sup>496</sup> on consultations held by his Special Representative with the Croatian Government, Belgrade and the local Serb authorities in Sector East on UNCRO's tasks. He reported that after intensive consultations, his Special Representative had been assured by the parties that they were willing to resolve the issue of Sector East through negotiation. In addition, both sides had undertaken to improve their level of compliance with existing agreements, and specific regard to cooperation with UNCRO. Following his discussions, his Special Representative had proposed a plan based on the six following main tasks: (a) performing fully the functions envisaged in the Cease-fire Agreement between Croatia and the local Serb authorities in Sector East; (b) facilitating the implementation of the sections of the Economic Agreement of 2 December 1994 which were relevant to Sector East, and arranging local economic initiatives as appropriate; (c) facilitating the implementation of all relevant Council resolutions, including the functions identified in paragraph 72 of the Secretary-General's report of 22 March 1995, in particular the continuation of confidence-building and humanitarian tasks, such as assistance to refugees and displaced persons and the monitoring of the treatment of ethnic minorities; (d) assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons, over the international borders between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at the border crossings where UNCRO was deployed; (e) monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992); and (f) observing and reporting on military incidents in the vicinity of the international border between Croatia and Bosnia and Herzegovina. The Secretary-General therefore

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<sup>496</sup> S/1995/835.

recommended that the Council approve the plan. It would apply to the remainder of UNCRO's current mandate, pending ongoing negotiations on the ultimate future of Sector East in the context of an overall political settlement of the crisis in the former Yugoslavia.

By a letter<sup>497</sup> dated 10 October 1995, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council have considered your report of 29 September 1995 submitted pursuant to Council resolution 1009 (1995). The members of the Council agree with the arrangements set out in that report for the remainder of the current mandate of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, pending, in the case of Eastern Slavonia, the outcome of the ongoing negotiations on the subject.”

**Decision** of 22 November 1995 (3596<sup>th</sup> meeting): resolution 1023 (1995)

By a letter<sup>498</sup> dated 15 November 1995 addressed to the Secretary-General, the representative of Croatia transmitted the text of the basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium, signed between the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia on 12 November 1995, in Croatia. The Agreement provided, *inter alia*, that there would be a transitional period of twelve months, extendable to twenty-four months if one of the parties so requested, and that the Security Council would establish a Transitional Administration and an international force, respectively, to govern the region during that transitional period and to maintain peace and security.

At its 3596<sup>th</sup> meeting, on 22 November 1995, the Council included the above letter in its agenda. 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 (Oman) then drew the attention of the Council members to the text

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<sup>497</sup> S/1995/859.

<sup>498</sup> S/1995/951.



of a draft resolution<sup>499</sup> submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, Rwanda, the United Kingdom and the United States, as well as to several other documents.<sup>500</sup>

Speaking before the vote, the representative of the Russian Federation pointed out that the Basic Agreement on the Region of Slavonia, Baranja and Western Sirmium had been made possible by the parties realism and sense of responsibility, as well as the considerable contribution of international mediators and States members of the Contact Group. The Basic Agreement provided for restoration of security guarantees that had been undermined for the entire population during the years of conflict, securing for Croats, Serbs and representatives of other nationalities, in equal measure, basic human rights and freedoms, adequate conditions for the return of refugees, and normalization of life. The Agreement also removed the obstacles to the full normalization of relations between Croatia and the Federal Republic of Yugoslavia, which was of decisive significance for a comprehensive settlement of the crisis in the Balkans. In that regard, Russia believed that the draft resolution before the Council was appropriate and timely. In its view, the United Nations must play an important role in the promotion of the peace process, including the creation of a Transitional Administration and an international force. Russia, for its part was prepared to continue its contribution to ensuring peace and security in the region. It also supported the continuation and expansion of international efforts to ensure human rights in Croatia.<sup>501</sup>

The representative of China stated that his delegation would vote in favour of the draft resolution on the basis of its position that, in any settlement of the Croatian question, the sovereignty and territorial integrity of Croatia should be respected and that the Croatian Government and the local Serbian authorities should seek a solution acceptable to both sides to the conflict, through peaceful negotiation. Noting that the Agreement contained requests to the United Nations and the Security Council concerning

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<sup>499</sup> S/1995/979.

<sup>500</sup> S/1995/843, letter dated 6 October 1995 from the representative of Croatia addressed to the President of the Security Council; S/1995/964, letter dated 15 November 1995 from the representative of Ukraine addressed to the Secretary-General.

<sup>501</sup> S/PV.3596, pp. 2-3.

authorization by the Council of a Transitional Administration and an international force, the speaker cautioned that those requests involved many complicated political and legal issues, thus making it necessary to conduct careful studies and to refrain from making hasty decisions as to how the United Nations might facilitate and participate in the implementation of the peace plan in the region.<sup>502</sup>

The representative of the Czech Republic stated that the cornerstone of the Basic Agreement was the setting up of a Transitional Administration in Sector East for one year. His delegation had noted with concern, however, the generality of many of the provisions of the Basic Agreement. It understood from that fact that the parties had agreed on general language but had been divided on the details, thus passing over to the Council the “hot potato” of the details. The parties were eager to pass the responsibility for the consent of their Agreement to the Council, even while the Czech delegation had always argued that the prime responsibility for shaping their future must reside with the parties in conflict themselves.<sup>503</sup>

The representative of Germany observed that the Basic Agreement was based on two important principles. On the one side, the sovereignty of Croatia with regard to Eastern Slavonia was acknowledged. On the other hand, there needed to be full protection of and guarantees for the rights of the local Serb population. The speaker cautioned, however, that there should be no misunderstanding: the Basic Agreement would enter into force only upon the Council’s adoption of a resolution establishing a Transitional Administration and authorizing an international force. Thus, the Basic Agreement conferred upon the Security Council important responsibilities. In the following days and weeks, the members of the Council would have to work intensively on the details and modalities of the envisaged international force and Transitional Administration. Ultimately, however, it was only the Government of Croatia and the local Serb party that could make the Basic Agreement a success. It was therefore right that the draft resolution stressed the need for them to cooperate fully on the basis of the

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<sup>502</sup> *Ibid.*, p. 3.

<sup>503</sup> *Ibid.*, p. 4.

Agreement and to refrain from any measures that might hinder its implementation. That also held true for the Government of the FRY.<sup>504</sup>

The draft resolution was then put to the vote and was adopted unanimously as resolution 1023 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier relevant resolutions,

*Reaffirming 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 stressing the importance it attaches to the mutual recognition thereof,

*Reaffirming once again its commitment* to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium, known as Sector East, are integral parts of the Republic of Croatia,

*Affirming* the importance it attaches to full respect for human rights and fundamental freedoms of all in those territories,

*Commending* the continuing efforts of the representatives of the United Nations, the European Union, the Russian Federation and the United States of America to facilitate a negotiated solution to the conflict in the Republic of Croatia,

1. *Welcomes* the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb representatives, signed on 12 November 1995 in the presence of the United Nations mediator and the United States Ambassador to the Republic of Croatia;

2. *Recognizes* the request to it contained in the Basic Agreement to establish a transitional administration and authorize an appropriate international force, stands ready to consider the above request expeditiously in order to facilitate the implementation of the Agreement, and invites the Secretary-General to maintain the closest possible contact with all those concerned in order to assist with its work on the matter;

3. *Stresses* the need for the Government of the Republic of Croatia and the local Serb party to cooperate fully on the basis of the Basic Agreement and refrain from any military

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<sup>504</sup> *Ibid.*, pp. 4-5.

activity or any measure that might hinder the implementation of the transitional arrangements set out in it, and reminds them of their obligation to cooperate fully with the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and to ensure its safety and freedom of movement;

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

Speaking after the vote, the representative of France stated that the principle goal of the resolution just adopted, was to establish and guarantee a just and lasting peace for all the inhabitants of Eastern Slavonia. It was necessary to show that the international community supported the peace process under way and the principles that had inspired it, including: the sovereignty and territorial integrity of Croatia; the recognition and protection of the fundamental rights of the whole population of the region; the need for the rapid return of all displaced persons and refugees; and the guarantee that all the inhabitants of Eastern Slavonia would be able to live in peace and dignity.<sup>505</sup>

The representative of the United States noted that the resolution just adopted was an important step in building confidence between Croats and Serbs, but much still remained to be done before a final peace was established. The parties to the Basic Agreement had asked the international community not only to underwrite, but also to administer the region in its transition period. That was a large undertaking, which would require consultation, planning and coordination between interested parties. Before concluding, the speaker noted that the efforts of the Security Council, including establishing and enforcing sanctions, authorizing peacekeeping forces, and responding aggressively to human rights violations on all sides, had finally come to fruition, through the initialing of the Dayton Agreement and the adoption of the Basic Agreement.<sup>506</sup>

The President, speaking in his capacity as the representative of Oman, whilst welcoming the signing of the Basic Agreement, cautioned that the Agreement was not an end in itself. Rather, it was a first step towards establishing peace and the normalization

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<sup>505</sup> *Ibid.*, p. 6.

<sup>506</sup> *Ibid.*, pp. 6-7.

of relations in that region. Referring to the resolution just adopted, he stated that the most important provision was the reference to mutual recognition between all States in the area of the former Yugoslavia. Such recognition would ensure the sovereignty and territorial integrity of all the States within their internationally recognized borders, helping to establish confidence between the States of the region.<sup>507</sup>

**Decision** of 30 November 1995 (3600<sup>th</sup> meeting): resolution 1025 (1995)

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report<sup>508</sup> on the peacekeeping missions in the former Yugoslavia. The report was intended to assist the Council in its deliberations on the future of those missions, as their mandates were due to terminate on 30 November 1995. The Secretary-General observed that the Basic Agreement on the region of Eastern Slavonia, Baranja, and Western Sirmium was a landmark accomplishment that provided for the peaceful integration into Croatia of the region known as Sector East. Recalling that the Basic Agreement requested the Council to establish a transitional administration and to authorize an international force, he stressed that timeliness of its implementation was of the essence for the present momentum of peace to be sustained and required full international support. Addressing the future of UNCRO, the Secretary-General stated that there appeared to be only two realistic options. Either the Security Council could decide to terminate UNCRO's functions when its mandate expired on 30 November 1995, in the expectation that interested States, international organizations and other institutions would assume responsibility for implementing the Basic Agreement on the region of Eastern Slavonia, Baranja and Western Sirmium (the former Sector East), or the Council could decide to maintain UNCRO for a limited period, during which it would perform its existing tasks until the transitional administration was established and an international force deployed.

The Secretary-General further noted that, the President of Croatia had stated clearly that he could not agree to a further extension of UNCRO's mandate, although he

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<sup>507</sup> *Ibid.*, pp. 7-8.

<sup>508</sup> S/1995/987.

would agree to retain the two currently deployed UNCRO battalions as a transitional arrangement. The President of Croatia had also insisted that the implementation of the Basic Agreement, particularly its demilitarization aspects, begin on 1 December. The Secretary-General warned, however, that to terminate the UNCRO mandate on 30 November 1995, without certainty that other institutions were able to assume responsibility for the implementation of the Basic Agreement, could severely destabilize the area. He therefore recommended that the Council confirm UNCRO's presence, for a period of two months, as a transitional arrangement pending the establishment of an international force; designate, as quickly as possible, a civilian transitional administrator for the region; and determine the date on which implementation of the Basic Agreement should begin.

At its 3600<sup>th</sup> meeting, on 30 November 1995, the Council included the above report in its agenda. 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 (Oman) then drew the attention of the Council members to the text of a draft resolution<sup>509</sup> submitted by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, the United Kingdom and the United States, as well as to a letter<sup>510</sup> dated 15 November 1995 from the representative of Croatia addressed to the Secretary-General.

Speaking before the vote, the representative of China said that his delegation agreed in principle with the Secretary-General's proposal that the mandate of the three United Nations peacekeeping operations in the former Yugoslavia be extended so that studies might be conducted on ways and means for the United Nations to participate in peacekeeping operations in that region in the future, and would vote in favour of the draft resolutions before the Council. The speaker pointed out that many lessons had been learned from the United Nations peacekeeping operations in the region. For instance, mandatory action under Chapter VII of the Charter involving the use of force, including air power, had been "most improper" and had affected the legal and neutral status of those peacekeeping operations. Noting that the Basic Agreement and the Dayton

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<sup>509</sup> S/1995/994.

<sup>510</sup> S/1995/951.

Agreement both contained requests for the implementation of peace in that region, the speaker also observed that the United Nations and the Council would undoubtedly have to shoulder important responsibilities, since those requests involved many complex political, legal, military and financial questions. The Council therefore needed to study those questions carefully and to discuss them thoroughly, in order to take a sound decision. Referring to recent discussion on the potential deployment of implementation forces in the former Yugoslavia, the speaker cautioned that such deployment could amount to a major operation. He argued that those operations should be placed under the control and guidance of the Council, so that it could prevent the operations from departing from the principles governing United Nations peacekeeping operations and avoid the “abuse of force” and involvement in the conflict. He cautioned that the Council should not become a “rubber stamp” with regard to matters beyond its control and that no “blank cheques” should be written. In addressing such questions, the Council should adopt a prudent and responsible approach, rather than rushing into any commitments or decisions.<sup>511</sup>

The draft resolution was then put to the vote and was adopted unanimously as resolution 1025 (1995). The resolution reads as follows:

*The Security Council,*  
*Recalling* all its previous relevant resolutions and in particular its resolution 981 (1995) of 31 March 1995,  
*Recalling also* the report of the Secretary-General of 29 September 1995 and the letter dated 10 October 1995 from the President of the Security Council to the Secretary-General,  
*Reaffirming* its resolution 1023 (1995) of 22 November 1995,  
*Reaffirming once again its commitment* to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium, known as Sector East, are integral parts of the Republic of Croatia,  
*Affirming* the importance it attaches to full respect for the human rights and fundamental freedoms of all in those territories and elsewhere in the Republic of Croatia,

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<sup>511</sup> S/PV.3600, pp. 2-3.

*Welcoming again* the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb representatives, signed on 12 November 1995,

*Welcoming* the positive role played by the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and paying tribute to the personnel of UNCRO in the performance of their mandate,

*Having considered* the report of the Secretary-General of 23 November 1995,

*Reaffirming its determination* to ensure the security and freedom of movement of the personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 23 November 1995;

2. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date and no later than 14 December 1995 a report on all aspects of the establishment by the Council of an operation consisting of a transitional administration and a transitional peacekeeping force to implement the relevant provisions of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, including on the possibilities for assistance from the host country in offsetting the costs of the operation;

3. *Decides* that, in order to allow for the orderly establishment of the operation referred to in paragraph 2 above, the mandate of UNCRO shall terminate after an interim period ending on 15 January 1996 or when the Council has decided on the deployment, including on the necessary period for the transfer of authority, of the transitional peacekeeping force referred to in that paragraph, whichever is sooner;

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

**Decision** of 22 December 1995 (3615<sup>th</sup> meeting): statement by the President

On 21 December 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Council a report<sup>512</sup> on the human rights situation in Croatia. The Secretary-General observed that human rights violations continued to be reported in the former Sectors North and South. The right of Krajina Serbs to remain in their homes had not been adequately safeguarded. The remaining Serbs had faced extensive harassment and intimidation; looters and armed thieves had robbed Serb residents of both their

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<sup>512</sup> S/1995/1051.



property and their sense of security. Furthermore, the rights of the Serb population who had fled during the military operation to return to their homes were being seriously curtailed by the absence of constructive measures to facilitate their return. In addition, the rights of the minority population in Croatia were being restricted by changes in the Constitution. New legal provisions, such as the law concerning the return and reclamation of property, were inhibiting the full enjoyment of human rights and fundamental freedoms. It was therefore necessary to ensure that the rights of the Serb minority were adequately safeguarded in Croatia's legal and constitutional framework.

At its 3615<sup>th</sup> meeting, on 22 December 1995, the Council included the above report in its agenda. 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 (Russian Federation) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>513</sup> on behalf of the Council:

"The Security Council takes note of the report of the Secretary-General of 21 December 1995, which it has just received.

"The Council, as a matter of urgency, expresses its grave concern that, according to information in that report, the Government of the Republic of Croatia has ignored the call of the Council in the statement by its President of 3 October 1995 that it lift any time-limits placed on the return of refugees to reclaim their property. The requirement that owners must reclaim their property by 27 December 1995 constitutes a virtually insurmountable obstacle for most Serb refugees.

"The Council strongly demands that the Government of the Republic of Croatia lift immediately any time-limits placed on the return of refugees to reclaim their property.

"The Council shall continue its consideration of the report of the Secretary-General."

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<sup>513</sup> S/PRST/1995/63.

**Conference on Security and Cooperation in Europe (CSCE) missions in Kosovo,  
Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and  
Montenegro)**

INITIAL PROCEEDINGS

By a letter<sup>514</sup> dated 20 July 1993 addressed to the President of the Security Council, the representative of Sweden transmitted the text of a letter of the same date from the Chairman-in-Office of the Council of Ministers of the CSCE, in which, in accordance with Article 54 of the Charter, he informed the Council that at the end of June 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) had withdrawn its acceptance of the CSCE missions in Kosovo, Sandzak and Vojvodina and its cooperation with them. The Chairman-in-Office also noted that it was the considered opinion of the CSCE participating States that the decision by the Belgrade authorities aggravated the existing threats to peace and security in the region.

By a letter<sup>515</sup> dated 23 July 1993 addressed to the President of the Council, the representative of Sweden transmitted copy of a letter of the same date from the Chairman-in-Office addressed to the Minister for Foreign Affairs of Yugoslavia, as well as a related statement by the Chairman-in-Office. In his letter, the Chairman-in-Office called upon the authorities of the Federal Republic of Yugoslavia to revoke its decision not to allow the CSCE missions to continue their activities and display its willingness to live up to the norms and principles it had accepted as a CSCE participating State.

At its 3262<sup>nd</sup> meeting, on 9 August 1993, the Council included the item entitled "Conference on Security and Cooperation in Europe (CSCE) missions in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and

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<sup>514</sup> S/26121.

<sup>515</sup> S/26148.

Montenegro)” in its agenda. The Council also included the two letters above in its agenda. Following the adoption of the agenda, the Council invited Ambassador Dragomir Djokić, at his request, to take a seat at the Council table during the course of the discussion of the item. The President (United States) then drew the attention of the Council members to the text of a draft resolution<sup>516</sup> that had been prepared in the course of the Council’s prior consultations, as well as to two letters<sup>517</sup> dated 28 July and 3 August 1993 from the representative of Yugoslavia addressed to the Secretary-General. The letters transmitted letters dated 28 and 29 July 1993 from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council and the Chairman-in-Office of the CSCE Council, respectively in which the Minister objected to the fact that the Federal Republic of Yugoslavia had been suspended from participating in CSCE activities since 8 July 1992 and made the point that his Government was willing and ready to continue to cooperate with CSCE and would allow the CSCE missions back, should Serbia and Montenegro be reintegrated into the CSCE.

Speaking before the vote, the representative of China contended that the issue of Kosovo was an internal affair of the Federal Republic of Yugoslavia and that the sovereignty, political independence and territorial integrity of the Federal Republic of Yugoslavia should be respected, in line with the basic principles of the United Nations Charter and international law. Based on that consideration, his delegation believed that the Council should exercise extreme prudence and should act in strict conformity with the purposes and the principles of the Charter, especially the principle of non-interference in the internal affairs of sovereign States. The speaker also contended that recourse to preventive diplomacy, as part of the pacific settlement of conflicts embodied in Chapter VI of the Charter, should be carried out at the explicit request or with the prior consent of the States and parties concerned, and should never be imposed against their will. Practice

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<sup>516</sup> S/26263.

<sup>517</sup> S/26210 and S/26234, respectively.

over the years had shown that the consent and cooperation of the parties concerned were essential factors in ensuring the success of the endeavours of the United Nations and regional organizations. The dispute should therefore be solved through continued dialogue and consultation, without outside interference or pressure. The speaker observed that, when differences arose between a regional organization and a sovereign State, it was important to consider the question whether the Security Council should involve itself and, if so, according to what principle. He noted that, in the spirit of consensus, the Chinese delegation had offered specific amendments to the draft resolution. As those amendments had not been accepted, however, it would abstain from the voting on the draft resolution.<sup>518</sup>

**Decision** of 9 August 1993 (3262<sup>nd</sup> meeting): resolution 855 (1993)

The draft resolution was then put to the vote and it was adopted by 14 votes to none, with one abstention (China) as resolution 855 (1993). The resolution reads as follows:

*The Security Council,*

*Taking note* of the letters of 20 and 23 July 1993 from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe,

*Also taking note* of the letters of 28 July and 3 August 1993 circulated by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Deeply concerned* at the refusal of the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the CSCE missions of long duration to continue their activities,

*Bearing in mind* that the CSCE missions of long duration are an example of preventive diplomacy undertaken within the framework of the Conference on Security and Cooperation in Europe and have greatly contributed to promoting stability and counteracting the risk of

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<sup>518</sup> S/PV.3262, pp. 3-5.

violence in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Reaffirming* its relevant resolutions aimed at putting an end to conflict in the former Yugoslavia,

*Determined* to avoid any extension of the conflict in the former Yugoslavia, and in this context attaching great importance to the work of the CSCE missions and to the continued ability of the international community to monitor the situation in Kosovo, Sandzak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Stressing its commitment* to the territorial integrity and political independence of all States in the region,

1. *Endorses* the efforts of the Conference on Security and Cooperation in Europe as described in the letters noted above from the Chairman-in-Office of the Council of Ministers of the Conference on Security and Cooperation in Europe;

2. *Calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to reconsider their refusal to allow the continuation of the activities of the CSCE missions in Kosovo, Sandjak and Vojvodina, the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate with the Conference by taking the practical steps needed for the resumption of the activities of these missions and to agree to an increase in the number of monitors as decided by the Conference;

3. *Also calls upon* the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) to assure the monitors' safety and security and to allow them free and unimpeded access necessary to accomplish their mission in full;

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

Speaking after the vote, the representative of Hungary stated that the CSCE missions had proven extremely valuable in promoting stability and counteracting the risk of ethnically motivated violence in Kosovo, Sandjak and Vojvodina. The Hungarian delegation strongly believed that transparency in the protection of human rights was an important factor of stability and security, being a litmus test of a Government's fulfilment of its obligations under the United Nations Charter and other relevant international instruments. Hungary, like the CSCE community as a whole, was of the view that the expulsion of the CSCE missions was an act that further aggravated the threat to peace and

security in the Balkan region. It considered the Council's call to the Belgrade Government to re-examine its position to be "a perfectly legitimate and sound action".<sup>519</sup>

The representative of Brazil stated that his delegation had voted in favour of the resolution just adopted, bearing in mind that the consideration of the substantive aspects of the dispute fell within the competence of the regional arrangement represented by the relationship between the CSCE and its member States. The Brazilian delegation hoped that the resolution just adopted would help to create conditions for the adoption of measures of cooperation and ultimately for the solution of the differences between the Federal Republic of Yugoslavia and the CSCE.<sup>520</sup>

The representative of France stated that his delegation was pleased that the Council was giving its support to the CSCE, so that the activities of its missions could continue. As stated in the letters of the Chairman-in-Office, it was a question of ensuring the stability of the region. As the resolution just adopted emphasized, the activities of the missions were in no way aimed at affecting the sovereignty of a State, but were designed to ensure respect for the fundamental principles to which all the member States of the CSCE, including the Federal Republic of Yugoslavia (Serbia and Montenegro), had committed themselves. The presence of the missions contributed to avoiding any extension of the conflict in the former Yugoslavia to Kosovo, Sandjak and Vojvodina.<sup>521</sup>

The representative of the United Kingdom reminded the authorities in Belgrade that they continued to be bound by obligations which had been entered into in the context of the CSCE and the binding commitment under the "Moscow mechanisms". The missions were a source of objective information and they promoted security and dialogue between the communities, and would avoid the spread of conflict to other parts of the former Yugoslavia.<sup>522</sup>

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<sup>519</sup> *Ibid.*, pp. 5-6.

<sup>520</sup> *Ibid.*, pp. 6-7.

<sup>521</sup> *Ibid.*, pp. 9-10.

<sup>522</sup> *Ibid.*, p. 14.

The President, speaking in her capacity as the representative of the United States, stated that the United States strongly supported the activities of the CSCE missions, as they were vital to the international community's efforts to prevent the spread of the conflict in the former Yugoslavia. By monitoring the human rights situation in Kosovo, Sandjak and Vojvodina, those missions had announced clearly to the authorities in Belgrade that the international community would not tolerate Serbian oppression of local non-Serb populations. She warned that the United States was prepared to respond against Serbia in the event of a conflict in Kosovo caused by Serbian action. She also stressed that human rights abuse would simply delay Serbia and Montenegro's return to the community of nations.<sup>523</sup>

In the course of the debate, other speakers shared the view that the CSCE missions were fundamental to the maintenance of peace and stability in the region and that their departure would further aggravate the existing threat to that peace and stability<sup>524</sup>.

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<sup>523</sup> *Ibid.*, pp. 17-18.

<sup>524</sup> *Ibid.*, Pakistan, pp. 7-9; Japan, pp. 10-11; Spain, pp. 12-13.

**Follow-up to resolution 817 (1993)**

**Letter dated 26 May 1993 from the Secretary-General addressed to the  
President of the Security Council**

INITIAL PROCEEDINGS

By a letter<sup>525</sup> dated 26 May 1993 addressed to the President of the Security Council, the Secretary-General transmitted, pursuant to resolution 817 (1993), his report<sup>526</sup> of 14 May 1993 on the exercise of good offices by the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia, in respect of the difference that had arisen in connection with the request for admission to membership in the United Nations of the State admitted as the former Yugoslav Republic of Macedonia. In doing so, he drew the attention of the members of the Council to the fact that an early endorsement by the Council of the proposals contained in Annex V of the report would help the parties to reach agreement. Annex V contained a draft Treaty proposed by the Co-Chairmen Confirming the Existing Frontier and Establishing Measures for Confidence Building, Friendship and Neighbourly Cooperation between the Republic of Greece and the Former Yugoslav Republic of Macedonia.

The Secretary-General noted that the draft Treaty presented to the parties by the Co-Chairmen had been prepared on the basis of extensive consultations with the parties. The main outstanding point of contention remained the name to be used by the State that had been admitted to the United Nations with the provisional name “the former Yugoslav Republic of Macedonia”. The Greek delegation’s position was that the other party should not use, whether for domestic or international purposes, a name that included the word “Macedonia”. It had indicated, however, that if that term were to be included in a name, then the name “Slavomacedonia” could be envisaged. The delegation of the former

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<sup>525</sup> S/25855 and Add.1 and 2.

<sup>526</sup> See *Ibid*, Annex I.



Yugoslav Republic of Macedonia, for its part, maintained that its name should be “The Republic of Macedonia”. It was, however, prepared to discuss the modalities of the use of an alternative name, but for international purposes only. The Co-Chairmen proposed the name “The Republic of Nova Makedonia”, to be used for all official purposes.

In addenda 1 and 2 to the report submitted on 3 June 1993, the Secretary-General transmitted to the Council a statement made by the Greek Government on 27 May 1993 and a letter dated 29 May 1993 from the President of the Former Yugoslav Republic of Macedonia, concerning the draft Treaty. In the statement the Greek Government reiterated his position and added that the name proposed by the Co-Chairmen posed serious difficulties. In his letter, the President of the former Yugoslav Republic of Macedonia raised objections to several provisions contained in the Co-Chairmen’s proposed draft Treaty and argued that the constitutional name, “The Republic of Macedonia”, did not imply territorial or other aspirations. To the contrary, confirmation of such a name would represent a significant contribution to the maintenance of peace and stability in the region, which was an essential requirement of resolution 817 (1993).

At its 3243<sup>rd</sup> meeting, on 18 June 1993, the Council included the item entitled “Follow up to resolution 817 (1993)” and the above report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution<sup>527</sup> and to a letter<sup>528</sup> dated 7 June 1993 from the representative of Albania addressed to the President of the Security Council.

**Decision** of 18 June 1993 (3243<sup>rd</sup> meeting): resolution 845 (1993)

The draft resolution was then put to the vote and it was adopted unanimously as resolution 845 (1993). The resolution reads as follows:

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<sup>527</sup> S/25968.

<sup>528</sup> S/25892.

*The Security Council,*

*Recalling* its resolution 817 (1993) of 7 April 1993, in which it urged Greece and the former Yugoslav Republic of Macedonia to continue to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to arrive at a speedy settlement of their difference,

*Having considered* the report of the Secretary-General of 28 May and 3 June 1993 submitted pursuant to resolution 817 (1993), together with the statement of the Government of Greece and the letter of the President of the former Yugoslav Republic of Macedonia dated 27 and 29 May 1993, respectively, annexed thereto,

1. *Expresses its appreciation* to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for their efforts, and commends to the parties as a sound basis for the settlement of their difference the proposals set forth in annex V to the report of the Secretary-General;

2. *Urges* the parties to continue their efforts under the auspices of the Secretary-General to arrive at a speedy settlement of the remaining issues between them;

3. *Requests* the Secretary-General to keep the Council informed on the progress of these further efforts, the objective of which is to resolve the difference between the two parties before the commencement of the forty-eighth session of the General Assembly, and to report to the Council on their outcome in good time, and decides to resume consideration of the matter in the light of the report.

#### **Decision** of 15 July 1993: letter from the President

By a letter<sup>529</sup> dated 13 July 1993 addressed to the President of the Security Council, the Secretary-General reported that Mr. Cyrus Vance, the former Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, had accepted his request to continue his good offices to help the parties reach an agreement. Mr. Vance would begin his assignment on 1 August 1993. The Secretary-General hoped, as stated in resolution 845 (1993), that it would be possible to resolve the

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<sup>529</sup> S/26088.

difference between the parties before the commencement of the forty-eight session of the General Assembly.

By a letter<sup>530</sup> dated 15 July 1993, the President of the Security Council informed the Secretary-General as follows:

“The members of the Council thank you for your letter of 13 July 1993 concerning Security Council resolution 845 (1993) and welcome the acceptance by Mr. Cyrus Vance of your invitation to continue his good offices with the objective of helping the parties to resolve the difference between them before the commencement of the forty-eighth session of the General Assembly.”

**Decision** of 11 April 1994: letter from the President

By a letter<sup>531</sup> dated 31 March 1994 addressed to the President of the Security Council, the Secretary-General updated the Council on the progress of further efforts under his auspices in relation to the difference between Greece and the Former Yugoslav Republic of Macedonia. He reported that the parties had met separately with Mr. Vance in Geneva on 10 March 1994. Mr. Vance had told both parties that the situation had increased in gravity, and that time had been of the essence in reaching an agreement. In order to help the parties to find common ground, he had submitted a draft accord confirming the existing common frontier as an inviolable international border and establishing measures for confidence-building, friendship and neighbourly cooperation, based in substantial part on the draft treaty. Having expressed preliminary views on the draft, the parties had agreed that Mr. Vance should continue to assist them to reach a settlement on the remaining issues.

By a letter<sup>532</sup> dated 11 April 1994, the President of the Security Council informed the Secretary-General as follows:

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<sup>530</sup> S/26089.

<sup>531</sup> S/1994/376.

<sup>532</sup> S/1994/415.

"The members of the Security Council have considered your letter of 31 March 1994 in which you advised the Council of the progress of further efforts, under your auspices, in relation to the difference between Greece and the Former Yugoslav Republic of Macedonia.

"The members of the Council have asked me to convey to you their support for your efforts and those of your Special Envoy, Mr. Cyrus Vance, and their hope that both parties will cooperate fully with you and Mr. Vance to resolve the difference between them.

"The members of the Council request you to keep them fully informed of developments."

**Decision** of 7 June 1994: letter from the President

On 27 May 1994, pursuant to resolution 845 (1993), the Secretary-General submitted an interim report<sup>533</sup> on the progress of further efforts taken under his auspices by his Special Envoy to resolve the difference between the Governments of Greece and the former Yugoslav Republic of Macedonia. He reported that his Special Envoy had held two series of discussions with the parties, with the aim of reaching an agreement on a draft interim accord. The draft interim accord was a condensation of the draft accord which Mr. Vance had given the parties on 10 March 1994. It addressed a limited number of issues, including the question of the frontier between the parties, the interpretation of the Constitution of the Former Yugoslav Republic of Macedonia, the question of "hostile activities and propaganda", and the "countermeasures" adopted by Greece. The other issues would be left to a second phase. However, it had still not been possible to reach agreement on all points. The parties had therefore agreed to participate in further talks, under the auspices of the Secretary-General's Special Envoy, around 13 June 1994.

By a letter<sup>534</sup> dated 7 June 1994, the President of the Security Council informed the Secretary-General as follows:

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<sup>533</sup> S/1994/632.

<sup>534</sup> S/1994/679.

"The members of the Security Council have considered your report of 27 May 1994 pursuant to resolution 845 (1993) concerning the difference between Greece and the Former Yugoslav Republic of Macedonia.

"The members of the Council have asked me to convey to you their appreciation for your efforts and those of your Special Envoy, Mr. Cyrus Vance. They welcome the steps taken so far under your auspices and support your intention to proceed with further discussions as expeditiously as possible. They welcome the fact that both parties have agreed to take part in further talks at the Minister for Foreign Affairs level on or about 13 June 1994. They urge both parties to cooperate fully with you and Mr. Vance in order to reach agreement on outstanding issues as soon as possible.

"The members of the Council welcome your intention to report further on the substance of Mr. Vance's discussions after his meetings with the parties in June."

**Decision** of 17 August 1994: letter from the President

By a letter<sup>535</sup> dated 5 August 1994 addressed to the President of the Security Council, the Secretary-General informed the Council on the progress of further efforts under his auspices, in relation to the difference between Greece and the former Yugoslav Republic of Macedonia. The talks planned for 13 June 1994 had been delayed, for reasons beyond the control of the parties. Instead, the Special Envoy of the Secretary-General had met separately with both parties between 10 and 13 July 1994, and had discussed with them the issue of the name. Both parties had agreed to resume discussions with the Special Envoy in the autumn. The Secretary-General himself had met with the Foreign Minister of Greece on 12 July, and with the Foreign Minister of the former Yugoslav Republic of Macedonia on 13 July 1994. He had emphasized to both parties his concern that they reach an early agreement on a solution to their difference. Both Ministers had confirmed their Government's desire to continue with the discussions under his auspices and had expressly stated their strong preference that Mr. Vance should continue his mission of good offices.

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<sup>535</sup> S/1994/978.

By a letter<sup>536</sup> dated 17 August 1994, the President of the Security Council informed the Secretary-General as follows:

"The members of the Security Council have considered your letter of 5 August 1994 pursuant to resolution 845 (1993) concerning the difference between Greece and the Former Yugoslav Republic of Macedonia.

"The members of the Council have asked me to convey to you their continuing appreciation for your efforts and those of your Special Envoy, Mr. Cyrus Vance. They note that at the latest round of discussions both parties thoroughly reviewed a number of proposals addressing the principal difference of substance, the name.

"The members of the Council expressed some concern that, in spite of several rounds of discussions between the parties following the adoption of resolution 845 (1993) on 18 June 1993, the principal difference of substance - the name - remains unresolved. They were also concerned at the possible consequences that continuation of the current situation might have for the maintenance of peace and stability in the region. They fully shared the views you expressed on 12 and 13 July to the Ministers for Foreign Affairs of Greece and the Former Yugoslav Republic of Macedonia that the parties should reach an early agreement on a solution to the difference between them.

"The members of the Council welcome the desire of both parties to continue with discussions under your auspices, and their commitment to resume those discussions with Mr. Vance this autumn. They call upon both parties to cooperate fully with you and Mr. Vance in order to reach agreement on outstanding issues as soon as possible."

**Decision** of 15 September 1995 (3579<sup>th</sup> meeting): statement by the President

By a letter<sup>537</sup> dated 13 September 1995 addressed to the President of the Security Council, the Secretary-General informed the Council that the Foreign Ministers of Greece and the former Yugoslav Republic of Macedonia had signed a wide-ranging interim

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<sup>536</sup> S/1994/979.

<sup>537</sup> S/1995/794.

accord<sup>538</sup> that day at United Nations Headquarters in New York, in the presence of both him and Mr. Vance. Article 5 of the accord provided, *inter alia*, that the Parties would continue negotiations, under the auspices of the Secretary-General and pursuant to resolutions 817 (1993) and 845 (1993), to resolve the difference between them with respect to the name of the former Yugoslav Republic of Macedonia.

At its 3579<sup>th</sup> meeting, on 15 September 1995, the Council resumed its consideration of the item and included in its agenda the sub-item “Interim Accord between Greece and the former Yugoslav Republic of Macedonia”. Following the adoption of the agenda, the President (Italy) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>539</sup> on behalf of the Council:

"The Security Council welcomes the signing of the Interim Accord between Greece and the former Yugoslav Republic of Macedonia and looks forward to the establishment of a new relationship between the parties based on international law and peaceful, friendly relations. The Council believes the Accord will promote the strengthening of stability in the region.

"The Council commends both parties, the Secretary-General, the Special Envoy of the Secretary-General, Mr. Cyrus Vance, and the United States envoy, Mr. Matthew Nimetz, for their efforts in bringing about this important achievement, pursuant to Council resolutions 817 (1993) and 845 (1993). The Council encourages them to continue their efforts to resolve the remaining differences between the parties and urges the parties to implement fully the Interim Accord."

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<sup>538</sup> See *Ibid*, Annex I.

<sup>539</sup> S/PRST/1995/46.

## The situation in the former Yugoslavia

### INITIAL PROCEEDINGS

**Decision** of 6 October 1995 (3585<sup>th</sup> meeting): statement by the President

At its 3585<sup>th</sup> meeting, on 6 October 1995, the Council included the item entitled “The situation in the former Yugoslavia” in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote.

The President (Nigeria) then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>540</sup> on behalf of the Council:

"The Security Council welcomes the 5 October 1995 agreement by the Bosnian parties to a ceasefire, including the agreement to terminate all hostile military activities throughout the territory of the Republic of Bosnia and Herzegovina, as of 10 October 1995, provided that full gas and electrical utility service is restored to Sarajevo. It welcomes all efforts to restore such service and calls upon the parties to cooperate fully with such efforts. The Council urges the parties fully to comply with all provisions in the ceasefire agreement once they come into effect.

"The Council also welcomes the decision of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to attend proximity peace talks by the end of this month, to be followed by a peace conference. It reiterates that there can be no military solution to the conflict in the Republic of Bosnia and Herzegovina and strongly urges the parties to negotiate in good faith on the basis of the Agreed Basic Principles signed at Geneva on 8 September 1995, and the Further Agreed Principles of 26 September 1995.

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<sup>540</sup> S/PRST/1995/50.



"The Council also welcomes the agreement of 3 October 1995 by the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia to guiding basic principles for negotiations. It strongly urges both parties to negotiate in good faith towards a peaceful final settlement to the conflict consistent with the Council's resolutions."

**Decision** of 9 November 1995 (3591<sup>st</sup> meeting): resolution 1019 (1995)

At its 3591<sup>st</sup> meeting, on 9 November 1995, the Council resumed its consideration of the situation in the former Yugoslavia. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to take a seat at the side of the Council chamber.

The President (Oman) then drew the attention of the Council members to the text of a draft resolution<sup>541</sup> submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States. He also drew the attention of the Council members to a letter<sup>542</sup> dated 31 October 1995 in which the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia informed the President of the Council that an indictment against an individual named Dragan Nikolić had been issued on 4 November 1994, and that the Tribunal had requested that both the Government of Bosnia and Herzegovina and the Bosnian Serb administration issue a warrant for his arrest. The Government of Bosnia and Herzegovina had indicated that Mr. Nikolić was residing in territory outside their control, but the Bosnian Serb administration had not responded to the Tribunal's request. The letter noted that, under Article 29 of the Statute of the Tribunal, States were obligated to cooperate with the Tribunal. It also recalled that, in resolution 771 (1992), the Council had decided, acting under Chapter VII of the Charter, that all parties in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, should comply

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<sup>541</sup> S/1995/940.

<sup>542</sup> S/1995/910.

with the resolution, failing which the Council would need to take further measures under the Charter. The letter further noted that, in order for the Tribunal to succeed in its mandate of prosecuting serious violations of international humanitarian law, all States in the region – including self-proclaimed entities *de facto* exercising governmental functions – must comply with their legal obligation to cooperate with the Tribunal.

Speaking before the vote, the representative of Germany recalled that his delegation had taken the initiative in October for another attempt to establish the fate and the whereabouts of the missing Bosnian men from Srebrenica, Zepa and the Banja Luka area. That initiative had led to the draft resolution before the Council. Noting that the draft resolution also addressed the human rights situation in Croatia, the speaker stated that, while his delegation was deeply concerned about the situation in Croatia, it was also aware of the different qualitative and quantitative dimensions of the violations of international humanitarian law and human rights committed by the Bosnian Serbs. He pointed out that the Croatian side had consistently granted access to human rights observers to the Krajina region, whereas the Bosnian Serbs had systematically blocked all access to the Bosnian Serb sites in question. That attitude had led to the formal request from the President of the Tribunal for the Security Council to consider further measures to achieve cooperation by the Bosnian Serbs with the Tribunal. Germany felt that there was an urgent need for the Council to react to the strong indications of war crimes and to prevent further human rights violations in the area. It welcomed the request in the draft resolution to the Secretary-General to submit a written report on recent violations of international humanitarian law in Srebrenica, Zepa and the wider Banja Luka area as such a report would provide a solid base of information upon which the Security Council could act.<sup>543</sup>

The representative of China stated that, as the main purpose of the draft resolution was to call for the early settlement of the questions regarding persons detained or reported missing, his delegation would vote in favour of it. He argued, however, that each

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<sup>543</sup> S/PV.3591, pp. 2-3.

United Nations body had its own responsibilities and functions and should act accordingly to fulfil its own mandate, as set forth in the Charter. The Security Council should not, in principle, deal with questions of human rights. Moreover, the Council should refrain from involving itself in the Tribunal's work, as the Tribunal had its own explicit provisions for the prosecution of persons responsible for serious violations of international humanitarian law. The Chinese delegation therefore had reservations with regard to the relevant portions of the draft resolution.<sup>544</sup>

The representative of the United Kingdom stated that the draft resolution underlined the importance the Council attached to the highest respect for human rights and international humanitarian law in the former Yugoslavia, making it clear that there were no exceptions and that all parties must comply with their obligations. Against that background, however, it was right that the Council should address three recent and deeply disturbing events: the disappearance of large numbers of civilians following the fall of Srebrenica and Zepa to Bosnian Serb forces; the brutal campaign of "ethnic cleansing" in the Banja Luka region; and systematic violations of the rights of Croatian Serbs in the Krajinas. The speaker reminded the parties of their obligation to cooperate fully with the work of the Tribunal, calling on the Federal Republic of Yugoslavia (Serbia and Montenegro) to facilitate the establishment of an office of the Tribunal in that country without delay, and on the Bosnian Serbs to comply with the Tribunal's orders and decisions.<sup>545</sup>

The representative of Botswana expressed the strong disquiet of his delegation at the reported incidents of human rights violations perpetrated by the Bosnian Serbs and insisted that they abide by the resolutions of the Council, and cooperate fully with the ICRC and other international humanitarian organizations. Against that background Botswana would vote in favour of the draft resolution. The speaker noted, however, that while it was almost impossible to draw a line between the political and human rights aspects of the war in Bosnia, it was important that the Security Council guard against the

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<sup>544</sup> *Ibid.*, p. 4.

<sup>545</sup> *Ibid.*, p. 5.

possibility of infringing on the responsibility of the competent bodies of the United Nations, especially the International Tribunal. It was also important that the temptation to politicize human rights be avoided. Botswana believed that all human rights violations in Bosnia and Herzegovina and Croatia should be investigated and those found responsible should be brought to justice.<sup>546</sup>

The representative of the Russian Federation strongly supported the draft resolution's condemnation of all violations of international humanitarian law and human rights in the territory of the former Yugoslavia, regardless of who committed them. Russia was seriously concerned by reports on violations of international humanitarian law in Srebrenica and Zepa, as well as by the fact that representatives of UNHCR and the ICRC had still not been allowed access to the regions where those violations were thought to have occurred. The wording of the draft resolution in that respect was "tough but fair", whilst setting out clearly the Council's conviction that there must not be a selective approach to the protection of human rights in the former Yugoslavia. Before concluding, the speaker noted that Russia supported the demand to all States and parties in the former Yugoslavia to cooperate with the Tribunal, and confirmed his delegation's position with regard to the inadmissibility of the use of the Tribunal's activities to "demonize" any parties to the conflict. He argued that it was the task of the Tribunal to elucidate the truth and to punish appropriately those specific persons whose guilt of crimes against humanity had been established, regardless of their ethnic or religious affiliation.<sup>547</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1019 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its earlier resolutions on the situation in the Republic of Bosnia and Herzegovina, and reaffirming its resolutions 1004 (1995) of 12 July 1995 and 1010 (1995) of

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<sup>546</sup> *Ibid.*, pp. 5-6.

<sup>547</sup> *Ibid.*, pp. 7-8.

10 August 1995 and the statements by its President of 7 September 1995 and 12 October 1995, and deeply concerned that, despite repeated calls that it should do so, the Bosnian Serb party has not complied with the demands contained therein,

*Gravely concerned* at reports, including by the representative of the Secretary-General, of grave violations of international humanitarian law and of human rights in and around Srebrenica and in the areas of Banja Luka and Sanski Most, including reports of mass murder, unlawful detention and forced labour, rape, and deportation of civilians,

*Recalling* all its earlier relevant resolutions on the situation in the Republic of Croatia, and reaffirming its resolution 1009 (1995) of 10 August 1995 and the statements by its President of 7 September 1995, and 3 October 1995,

*Deeply concerned* at reports, including by the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, and United Nations humanitarian agencies, of serious violations of international humanitarian law and of human rights in the former Sectors West, North, and South, in the Republic of Croatia, including burning of houses, looting of property, and killings of civilians,

*Reiterating its strong support* for the efforts of the International Committee of the Red Cross in seeking access to displaced persons and to persons detained or reported missing, and condemning in the strongest possible terms the failure of the Bosnian Serb party to comply with its commitments in respect of such access,

*Commending* the efforts of the United Nations Peace Forces and other United Nations personnel in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina, despite extreme difficulties,

*Taking note* of the letter dated 31 October 1995 to the President of the Security Council from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, established pursuant to resolution 827 (1993) of 25 May 1993,

*Expressing its strong support* for the work of the International Tribunal,

1. *Condemns in the strongest possible terms* all violations of international humanitarian law and of human rights in the territory of the former Yugoslavia, and demands that all concerned comply fully with their obligations in this regard;

2. *Reaffirms its demand* that the Bosnian Serb party give representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies immediate and unimpeded access to persons displaced and to persons detained or reported missing from Srebrenica, Zepa and the regions of Banja Luka

and Sanski Most who are within the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and that the Bosnian Serb party permit representatives of the International Committee of the Red Cross (a) to visit and register any persons detained against their will, whether civilians or members of the forces of the Republic of Bosnia and Herzegovina, and (b) to have access to any site it may deem important;

3. *Also reaffirms its demand* that the Bosnian Serb party respect fully the rights of all such persons, ensure their safety and release them immediately;

4. *Reaffirms* the obligation of all the parties to ensure the complete freedom of movement of personnel of the United Nations and other relevant international organizations throughout the territory of the Republic of Bosnia and Herzegovina at all times;

5. *Demands* that all detention camps throughout the territory of the Republic of Bosnia and Herzegovina be immediately closed;

6. *Reaffirms its demand* that the Government of the Republic of Croatia take urgent measures to put an end to violations of international humanitarian law and of human rights and investigate all reports of such violations so that those responsible in respect of such acts may be judged and punished;

7. *Reiterates its demand* that the Government of the Republic of Croatia respect fully the rights of the local Serb population, including their right to remain or return in safety, and reiterates also its call upon the Government of the Republic of Croatia to lift any time-limits placed on the return of refugees to Croatia to reclaim their property;

8. *Demands* that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict in the former Yugoslavia comply fully and in good faith with the obligations contained in paragraph 4 of resolution 827 (1993) to cooperate fully with the International Tribunal established pursuant to that resolution, including by providing access to individuals and sites the Tribunal deems important for its investigations and by complying with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute of the Tribunal, and calls upon them to allow the establishment of offices of the Tribunal;

9. *Demands* that all parties, and in particular the Bosnian Serb party, refrain from any action intended to destroy, alter, conceal, or damage any evidence of violations of international humanitarian law and that they preserve such evidence;

10. *Reaffirms its support* for the actions of the United Nations Peace Forces and other United Nations personnel, including the great importance of their contribution in the humanitarian field, and demands that all parties fully ensure their safety and cooperate fully with them;

11. *Requests* the Secretary-General to submit to the Council as soon as possible a written report based on all information available to the United Nations concerning recent violations of international humanitarian law in the areas of Srebrenica, Zepa, Banja Luka and Sanski Most;

12. *Also requests* the Secretary-General to continue to inform the Council on a regular basis of measures taken by the Government of the Republic of Croatia to implement resolution 1009 (1995) and the present resolution;

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

Speaking after the vote, the representative of the United States stressed that the Bosnian Serb side must allow access to the sites and individuals which the Tribunal deemed important for its investigations and that it must grant international agencies access to the refugees displaced from the regions. He also stated that the authorities in Belgrade should allow the Tribunal to establish an office in Belgrade. His Government also strongly believed that the Croatian Government must take steps to ensure that the rights of all its citizens were respected, whether they were Croats or Serbs. The US Government recognized that all violations of human rights were deplorable. It was also necessary, however, to recognize the differences in the circumstances and magnitude of crimes. The murder of large numbers of civilians by Bosnian Serb forces had not been the act of a few individuals acting alone. The systematic and apparently planned nature of the atrocities was evidence of an active and “astonishingly brutal” Bosnian Serb policy.<sup>548</sup>

**Decisions** of 22 November 1995 (3595<sup>th</sup> meeting): resolutions 1021 (1995) and 1022 (1995)

At its 3595<sup>th</sup> meeting, on 22 November 1995, the Council resumed its consideration of the item. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Brazil, Canada, Colombia, Croatia, Egypt, Iran, Japan, Malaysia, Morocco, Norway, Pakistan, the Republic of Korea, Slovenia, Spain, the Former Yugoslav Republic of Macedonia, Turkey and Ukraine, at their

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<sup>548</sup> *Ibid.*, pp. 12-13.

request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address it in the course of the subsequent discussion.

The President (Oman) then drew the attention of the Council members to the texts of two draft resolutions. The first draft resolution<sup>549</sup> had been submitted by Argentina, France, Germany, Honduras, Indonesia, Italy, Oman, Rwanda, the United Kingdom and the United States, and the second draft resolution<sup>550</sup> by Argentina, the Czech Republic, France, Germany, Honduras, Italy, the Russian Federation, Rwanda, the United Kingdom and the United States. The President then drew the attention of the members of the Council to a letter<sup>551</sup> dated 20 November 1995 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General, transmitting a letter of the same date from the Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia.

Speaking before the vote, the representative of the United Kingdom welcomed the Peace Agreement on Bosnia and Herzegovina, which had been endorsed by the parties the previous day at Dayton, Ohio. The speaker argued that the existence of the Peace Agreement was “the clearest possible vindication” of the Council’s use of economic sanctions to bring about change. It was therefore right that the Council should reward Belgrade’s contribution to the successful outcome of the Dayton negotiations by granting substantial sanctions relief. He cautioned, however, that the Council was giving a conditional reward. The draft resolutions before the Council held out the prospect of the permanent removal of sanctions, once the Agreement had been implemented and free and fair elections had been held. It also provided that sanctions relief could be retracted if there was a failure to cooperate in the implementation of the Agreement. In addition, the draft resolutions did not prejudice the complex issue of succession to the former Socialist Federal Republic of Yugoslavia, providing that frozen assets subject to claims by any of

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<sup>549</sup> S/1995/977.

<sup>550</sup> S/1995/978.

<sup>551</sup> S/1995/972.



the successor States should remain frozen until such claims had been resolved. In that context, the British Government would when implementing the resolution interpret the reference to “claims” as meaning those raised in the current legal proceedings. The speaker further argued that the Council was also right to allow a phased lifting of the arms embargo, in the context of the implementation of the Peace Agreement and given the shared interest of all the States in the region in concluding regional arms controls arrangements. There could be no doubt that both the economic sanctions and the arms embargo had played an important part in containing the conflict and persuading the parties to negotiate in earnest. Finally, the draft resolutions referred only briefly to one very important aspect of the Council’s policy towards the situation in Bosnia, namely the work of the International Tribunal. It was as important as ever that all sides cooperate fully with the Tribunal, as the process of rebuilding a war-torn society required not just reconciliation, but also justice. No Government should suppose that it was at liberty to obstruct the Tribunal’s work.<sup>552</sup>

The representative of Germany stated that the draft resolutions before the Council marked the first step in the implementation of the Peace Agreement. Noting that the arms embargo, which had not always been easy to reconcile with Article 51 of the Charter as it had simultaneously covered both attacker and defender, would be lifted in three phases, the speaker contended that both the arms embargo and the economic sanctions had proved to be important in the peace process. The German delegation shared the view that the sanctions régime had essentially been effective. The speaker expressed the hope that the “defreezing” of funds and assets that could be allocated to the Federal Republic of Yugoslavia, would enable it to re-establish trade links and commerce with other countries as soon as the sanctions had been suspended. He noted, however, that the draft resolution requested that assets and funds subject to third-party claims should remain impounded or frozen. Germany urged the successor States to seek agreement on disputed assets, funds and liabilities as soon as possible, so that they could be released and therefore contribute to the positive development of the economy in the countries concerned and the region as

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<sup>552</sup> S/PV.3595, pp. 2-4.

a whole. Germany also stressed the importance of achieving substantial arms control agreements, as outlined in Annex 1B of the Dayton Agreement, to offset the danger that the lifting of the arms embargo might trigger a new regional arms race.<sup>553</sup>

The representative of Indonesia expressed the hope that the parties would make the Peace Agreement work and that that Agreement would lead to the achievement of the ultimate goal not only of preserving Bosnia and Herzegovina as a single State under international law, but also of preserving the people of Bosnia and Herzegovina as one nation. Recalling that his delegation had consistently called on the Council to pronounce itself unequivocally on the non-applicability of resolution 713 (1991) to Bosnia and Herzegovina, he contended that the arms embargo had had the unintended effect of freezing the advantage in weapons in favour of the Bosnian Serbs, thus denying Bosnia and Herzegovina the right to defend itself, as enshrined in the Charter. Long-term security could only be realized through confidence-building measures rather than by a massive arms build-up undertaken to compensate for perceived vulnerability and insecurity. The international community therefore needed to encourage mutual confidence and trust among the parties in the former Yugoslavia, and Indonesia hoped that the Agreement on Regional Stabilization, set out in Annex 1B of the Dayton Agreement, would contribute to peace and security in the region. The speaker acknowledged the limitations of sanctions as an instrument to maintain or restore international security. Nevertheless, Indonesia believed that the Council had succeeded in clearly defining the objectives of the sanctions. The sanctions had not been punitive measures designed to inflict hardship on the people of the Federal Republic of Yugoslavia, but rather had been intended to encourage Belgrade to modify its policy by playing a constructive role in the peace process. Indonesia welcomed the more positive role that had been played recently by the Federal Republic of Yugoslavia and hence deemed it appropriate for the Council to suspend the sanctions. Nevertheless, it emphasized that the continuation of the suspension of sanctions was contingent upon the fulfilment by the Bosnian Serbs of their obligations under the Peace Agreement. With

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<sup>553</sup> *Ibid.*, pp. 4-5.

regard to the provisions contained in the draft resolution relating to funds and assets frozen or impounded by Security Council's resolutions, his delegation cautioned that funds or assets should not be unfrozen prematurely, as hasty action might preempt a consensual agreement among the successor States as to the disposition of such funds and assets.<sup>554</sup>

The representative of China stated that his delegation was of the view that any action by the Council should contribute to, rather than undermine, the consolidation of the negotiation results. China feared that lifting the arms embargo at that stage might have an adverse impact on peace and stability in the region. Furthermore, China had never favoured exerting pressure by means of sanctions in the former Yugoslavia. It supported the early lifting of the sanctions, believing that the international community should acknowledge the efforts made by the Federal Republic of Yugoslavia to promote the Bosnian peace process. The speaker contended that it was inappropriate to link the lifting of sanctions with the holding of elections in Bosnia, as it would set a bad precedent. His delegation therefore expressed serious reservations. He also argued that the status of the Federal Republic of Yugoslavia in the United Nations should be reconsidered, once all parties had signed the Peace Agreement. The Chinese delegation would vote in favour of the two draft resolutions, however, based on its position of supporting the peaceful settlement of the question of the former Yugoslavia.<sup>555</sup>

The representative of Nigeria expressed the hope that none of the parties would view the lifting of the arms embargo as a license to relaunch any military campaign. Rather, Nigeria hoped that the termination of the embargo would play a positive and reassuring role, by ensuring that all States of the region had the means to defend their sovereignty and territorial integrity. The speaker further stated that the suspension of the sanctions against the Federal Republic of Yugoslavia was consistent with his delegation's belief that sanctions should not be punitive, but should be designed to modify the behaviour of Governments. Nigeria hoped that such a flexible approach to sanctions

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<sup>554</sup> *Ibid.*, pp. 5-7.

<sup>555</sup> *Ibid.*, pp. 7-8.

would be applied to other sanctions régimes, as objective conditions on the ground changed.<sup>556</sup>

The representative of the Czech Republic noted that the draft resolution easing the sanctions against the Federal Republic of Yugoslavia left open the possibility for reversing the suspension should the subjects of the sanctions fail to take the steps anticipated of them in Dayton. Noting that the draft resolution mentioned, in the preamble but not in the operative section of the draft, compliance with requests and orders of the International Tribunal as an essential aspect of implementing the Peace Agreement, he warned against interpreting that fact as diminishing its importance. Individual responsibility, established by and punished by the International Tribunal, was necessary not only for justice to be done, but also to prevent the emergence in Bosnia and Herzegovina of a culture of impunity. The speaker further noted that one of the difficult issues among the south Slav States was the matter of succession. In that regard, the draft resolution rightly stressed the need for successors to the former Socialist Federal Republic of Yugoslavia to reach agreements on the distribution of funds and assets. He also observed that his Government was uncertain about the wisdom of lifting the arms embargo at a time when the implementation force would be deployed in Bosnia and Herzegovina. The Czech Republic was concerned about the potential for suffering casualties as a result of a fresh inflow of weapons into Bosnia and Herzegovina.<sup>557</sup>

The representative of the Russian Federation noted that his delegation attached particular importance to the fact that, immediately after the initialing of the Dayton Agreement, the provision of the draft resolution relating to the indefinite suspension of the sanctions against the Federal Republic of Yugoslavia and the Bosnian Serbs should come into operation. Russia believed that the conclusion of the “economic blockade” against Yugoslavia was timely, as the humanitarian crisis there had worsened considerably over the preceding few months and required immediate steps. The speaker further observed that the draft resolution was a balanced document which envisaged

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<sup>556</sup> *Ibid.*, pp. 8-9.

<sup>557</sup> *Ibid.*, pp. 9-10.

various situations, including the possibility of the reintroduction of sanctions, should there be any gross violation of the commitments made under the Peace Agreement. He noted in that regard, that the Security Council would decide whether such violations were taking place, based upon reports arising from joint consultations of senior leaders of the international military and civilian structures in Bosnia. Referring to the draft resolution on the lifting of the arms embargo, the speaker noted that his country had serious doubts, even though the draft had certain merits, including an even approach to all the parties and the fact that the Security Council would be exercising control over measures to prevent an arms race in the region. Nevertheless, neither the spirit nor the letter of the text of the draft was in harmony with the logic of the political process, which aimed to end military confrontation in the region. Russia was in favour not of an arms build-up in the region, but of restriction and reduction of arms. Furthermore, it would have preferred the draft to provide for a more clear-cut mechanism that would operate in the event that the peace process was derailed. Of particular importance in that connection would be the reports from the Secretary-General to the Council that the parties were in fact fulfilling their obligations on arms limitation. Nevertheless, in view of the fact that the first draft resolution was an integral part of the Dayton Agreement package, Russia would abstain in the voting.<sup>558</sup>

The first draft resolution was then put to the vote and it was adopted by 14 votes to none, with one abstention (Russian Federation), as resolution 1021 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, and in particular its resolutions 713 (1991) of 25 September 1991 and 727 (1992) of 8 January 1992,

*Reaffirming its commitment* to a negotiated political settlement of the conflicts in the former Yugoslavia, preserving the territorial integrity of all States there within their internationally recognized borders,

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<sup>558</sup> *Ibid.*, pp. 11-13.

*Welcoming* the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

*Welcoming also* the commitments of the parties set out in annex 1B (Agreement on Regional Stabilization) of the Peace Agreement,

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the embargo on deliveries of weapons and military equipment imposed by resolution 713 (1991) shall be terminated as follows, beginning from the day the Secretary-General submits to the Council a report stating that the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia have formally signed the Peace Agreement:

(a) During the first ninety days following the submission of such a report, all the provisions of the embargo shall remain in place;

(b) During the second ninety days following the submission of such a report, all provisions of the arms embargo shall be terminated, except that the delivery of heavy weapons (as defined in the Peace Agreement), ammunition therefore, mines, military aircraft and helicopters shall continue to be prohibited until the arms control agreement referred to in annex 1B has taken effect; and

(c) After the one hundred and eightieth day following the submission of such a report and after the submission of a report from the Secretary-General on the implementation of annex 1B as agreed by the parties, all provisions of the arms embargo terminate unless the Council decides otherwise;

2. *Requests* the Secretary-General to prepare in a timely way and to submit to the Council the reports referred to in paragraph 1 above;

3. *Maintains its commitment* to progressive measures for regional stability and arms control and, if the situation requires, to consider further action;

4. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) to review and to amend its guidelines in the light of the provisions of the present resolution;

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

The second draft resolution was then put to the vote and it was adopted unanimously as resolution 1022 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions concerning the conflicts in the former Yugoslavia,

*Reaffirming its commitment* to a negotiated political settlement of the conflicts in the former Yugoslavia, preserving the territorial integrity of all States there within their internationally recognized borders,

*Commending* the efforts of the international community, including those of the Contact Group, to assist the parties in reaching a settlement,

*Praising* the decision of the Governments of the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia to attend and participate constructively in proximity talks in the United States of America, and acknowledging with appreciation the efforts made by these Governments to reach a lasting peace settlement in Bosnia and Herzegovina,

*Welcoming* the initialling of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto on 21 November 1995 at Dayton, Ohio, signifying agreement between the parties to sign formally the Peace Agreement,

*Taking note* of the Concluding Statement issued at the adjournment of the proximity talks, in which all parties undertook, *inter alia*, to assist in locating the two French pilots missing in Bosnia and Herzegovina and to ensure their immediate and safe return,

*Stressing* the need for all parties to comply fully with all provisions of the Peace Agreement,

*Noting* that compliance with the requests and orders of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 constitutes an essential aspect of implementing the Peace Agreement,

*Recognizing* the interests of all States in the implementation of the suspension and subsequent termination of measures imposed by the Council and, in particular, the interests of the successor States to the State formerly known as the Socialist Federal Republic of

Yugoslavia, with respect to the disposition of assets affected by the fact that that State has ceased to exist, and the desirability of accelerating the process now under way under the auspices of the International Conference on the Former Yugoslavia to reach a consensual agreement among the successor States as to the disposition of such assets,

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Decides* that the measures imposed by or reaffirmed in resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992, 820 (1993) of 17 April 1993, 942 (1994) and 943 (1994) of 23 September 1994, 988 (1995) of 21 April 1995, 992 (1995) of 11 May 1995, 1003 (1995) of 5 July 1995 and 1015 (1995) of 15 September 1995 are suspended indefinitely with immediate effect subject to the provisions of paragraphs 2 to 5 below, and provided that, if the Secretary-General reports to the Council that the Federal Republic of Yugoslavia has failed formally to sign the Peace Agreement on the date announced by the Contact Group for such purpose and that the other parties thereto have expressed their readiness so to sign, the measures described above shall be automatically reimposed from the fifth day following the date of such report;

2. *Decides also* that the suspension referred to in paragraph 1 above shall not apply to the measures imposed on the Bosnian Serb party until the day after the commander of the international force to be deployed in accordance with the Peace Agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council through the Secretary-General that all Bosnian Serb forces have withdrawn behind the zones of separation established in the Peace Agreement, and urges all parties concerned to take all necessary measures to assist in locating the two French pilots mission in Bosnia and Herzegovina, and to ensure their immediate and safe return;

3. *Decides further* that if at any time, with regard to a matter within the scope of their respective mandates and after joint consultation if appropriate, either the High Representative described in the Peace Agreement, or the commander of the international force to be deployed in accordance with the Peace Agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council through the Secretary-General that the Federal Republic of Yugoslavia or the Bosnian Serb authorities are failing significantly to meet their obligations under the Peace Agreement, the suspension referred to in paragraph 1 above shall terminate on the fifth day following the Council's receipt of such a



report, unless the Council decides otherwise taking into consideration the nature of the non-compliance;

4. *Decides* that it will terminate the measures described in paragraph 1 above on the tenth day following the occurrence of the first free and fair elections provided for in annex 3 of the Peace Agreement, provided that the Bosnian Serb forces have withdrawn from, and have continued to respect, the zones of separation as provided in the Peace Agreement;

5. *Decides also* that, so long as the measures referred to in paragraph 1 above remain suspended, or are terminated by a subsequent Council decision in accordance with paragraph 4 above, all funds and assets previously frozen or impounded pursuant to resolutions 757 (1992) and 820 (1993) may be released by States in accordance with law, provided that any such funds and assets that are subject to any claims, liens, judgements or encumbrances, or which are the funds or assets of any person, partnership, corporation or other entity found or deemed insolvent under law or the accounting principles prevailing in such State, shall remain frozen or impounded until released in accordance with applicable law, and decides further that obligations of States related to freezing or impounding funds and assets contained in such resolutions shall be suspended pursuant to paragraph 1 above with respect to all funds and assets not currently frozen or impounded until the measures concerned are terminated by a subsequent Council decision;

6. *Decides further* that the suspension or termination of obligations pursuant to the present resolution is without prejudice to claims of successor States to the former Socialist Federal Republic of Yugoslavia with respect to funds and assets, stresses the need for the successor States to reach agreement on the distribution of funds and assets and the allocation of liabilities of the former Socialist Federal Republic of Yugoslavia, encourages all States to make provision under their national law for addressing competing claims of States, as well as claims of private parties affecting funds and assets, and further encourages States to take appropriate measures to facilitate the expeditious collection of any funds and assets by the appropriate parties and the resolution of claims related thereto;

7. *Decides* that all States shall continue to take the necessary measures to ensure that there shall be no claim in connection with the performance of any contract or other transaction where such performance was affected by the measures imposed by the resolutions referred to in paragraph 1 above and related resolutions;

8. *Requests* the Security Council Committee established pursuant to resolution 724 (1991) to review and to amend its guidelines in the light of the provisions of this resolution;

9. *Pays tribute* to the neighbouring States, the mission of the International Conference on the Former Yugoslavia, the European Union/Organization for Security and Cooperation in Europe Sanctions Coordinator, the Sanctions Assistance Missions Communications Centre and the Sanctions Assistance Missions, the Western European Union operation on the Danube and the North Atlantic Treaty Organization/Western European Union Sharp Guard operation in the Adriatic Sea for their significant contribution to the achievement of a negotiated peace;

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

Speaking after the vote, the representative of the United States contended that it was logical to lift the embargo against Bosnia, as an embargo should not be maintained against a country whose only crime had been to preserve its sovereignty and defend its people. She noted, however, that the Council's plan was to discourage an arms race and to encourage a stable balance of military power. Thus the Framework Agreement placed restrictions on the military forces and heavy weapons of each party, established an arms control mechanism, and called for talks on measures to increase the confidence of all sides that no side would seek to evade or take military advantage of the Agreement. Turning to resolution 1022 (1995), the speaker observed that the suspension of the economic sanctions was a conditional step, as the sanctions would be reimposed if Belgrade failed to sign the formal Peace Agreement, or if Belgrade or the Bosnian Serbs failed to meet their obligations under the Agreement. She underscored that the international community needed to be vigilant in monitoring compliance with the terms of the agreement and in heeding the explicit language of the resolution, which noted that compliance with the requests and orders of the International Tribunal for the former Yugoslavia was an essential part of the agreement's implementation. She also noted that the suspension of sanctions would not apply immediately to measures imposed on the Bosnian Serbs. Those measures would remain in effect until all Bosnian Serb military forces had withdrawn behind the zones of separation established in the Peace Agreement.

The speaker further observed that the adoption of resolution 1022 (1995) reflected not a change in policy, but a change in circumstances. The Council had imposed economic sanctions for the explicit purpose of encouraging Serbia to choose the path of

peace, and the sanctions appeared to have achieved their purpose. Indeed, the much-criticized sanctions tool had proved critical in bringing about the decision in Dayton, and the leverage it had brought the Council would continue to serve it well in the complicated task of implementation. The speaker noted, however, that the terms of resolution 1022 (1995) were calibrated to the realities of the situation in the former Yugoslavia. If the Government in Belgrade or the Pale Serbs were to fail to fulfil their obligations, then the sanctions would be reimposed. With that possibility in mind, the United States believed that the infrastructure established and a cadre of personnel assigned to monitor sanctions enforcement should remain in place until sanctions were fully and finally lifted. The United States also believed that there should be an orderly and equitable distribution of the real and financial property of the former Yugoslavia between the successor States. To that end, it did not intend to release any assets itself until all assets had been examined against possible claims by the successor States and against outstanding commercial or private claims.<sup>559</sup>

The representative of Bosnia and Herzegovina argued that the arms embargo should have been lifted much earlier. He underlined that the Council should make sure that the suspension of sanctions be understood as a reprieve and not as an exoneration. Failure to honour the peace or Bosnia's sovereignty and territorial integrity would result in the immediate reversal and re-imposition of sanctions. The speaker also warned that the sanctions could not be terminated until the Peace Agreement had been implemented fully and there was genuine compliance on the part of the Federal Republic of Yugoslavia with human rights and democratic standards within its territory, as well as full compliance with the International Tribunal. He contended that without such compliance the Federal Republic of Yugoslavia could not be admitted as a Member of the United Nations or other international institutions.<sup>560</sup>

The representative of Croatia stated that his country supported the resolutions just adopted. The sanctions régime had been a just and necessary mechanism to make leaders

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<sup>559</sup> *Ibid.*, pp. 14-16.

<sup>560</sup> *Ibid.*, pp. 20-21.

accept responsibility for the “ills” they had brought upon the people in Croatia and Bosnia and Herzegovina. It was Croatia’s understanding that operative paragraphs 5 and 6 of resolution 1022 (1995) would prevent the Federal Republic of Yugoslavia (Serbia and Montenegro) from transferring and using common funds until there was agreement among all successor States on the succession and distribution of such assets and approval by the Council of such an agreement. The speaker argued that the Council should act immediately to endorse the existing succession and distribution agreement proposed by the European Union and the Russian Federation. He also expressed the hope that resolution 1021 (1995), lifting the arms embargo, would achieve its goal of maintaining a balance of power in the region and that it would not become a new source of instability. In that regard, Croatia called for prudent use of the resolution, within a broader framework of collective security arrangements in Europe.<sup>561</sup>

Mr. Jovanovic stated that the sanctions against the Federal Republic of Yugoslavia should cease immediately, and that the rights of the Federal Republic of Yugoslavia in the United Nations should be restored quickly. He contended that the Federal Republic of Yugoslavia had demonstrated unequivocally its commitment to peace and to ending the civil war in Bosnia and Herzegovina by its active contribution to the negotiation of the Peace Agreement, and by its acceptance of all previous peace proposals in connection with the Bosnian crisis. The international community should treat all sides equally since equality was an essential element of the Peace Agreement and a basic precondition if the Agreement was to be fully implemented by all sides.<sup>562</sup>

Referring to resolution 1022 (1995), the representative of Slovenia argued that it was crucial that the suspension of sanctions did not apply to the frozen assets that were the common property of the States of the former Yugoslavia, and he noted that the issue was addressed in operative paragraphs 5 and 6 of the resolution. Slovenia requested that States consider all assets owned or controlled by the Government or governmental agencies of the Federal Republic of Yugoslavia (Serbia and Montenegro) to be assets on

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<sup>561</sup> *Ibid.*, pp. 21-23.

<sup>562</sup> *Ibid.*, pp. 24-25.

which Slovenia had a legal and legitimate claim. It urged that such assets remain frozen until a final resolution regarding the distribution of those assets and liabilities had been reached by the successor States. The speaker warned that any unilateral disposal of the relevant funds would force Slovenia to take appropriate legal steps to have such transactions declared null and void. Slovenia welcomed resolution 1021 (1995), lifting the arms embargo and expected the immediate termination of the arms embargo as far as Slovenia was concerned.<sup>563</sup>

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<sup>563</sup> *Ibid.*, pp. 38-40

**Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the  
work of the Economic and Social Council**

INITIAL PROCEEDINGS

At its 3204<sup>th</sup> meeting, on 28 April 1993, the Council included the item entitled “Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Economic and Social Council” in its agenda. Following the adoption of the agenda, the President (Pakistan) drew the attention of the Council members to the text of a draft resolution<sup>564</sup> submitted by France, Spain and the United Kingdom, and read out a revision to be made to the draft in its provisional form. He also informed the Council members that the United States had joined as a sponsor of the draft resolution.

**Decision** of 28 April 1993 (3204<sup>th</sup> meeting): resolution 821 (1993)

The draft resolution was then put to the vote, as orally revised in its provisional form, and it was adopted by 13 votes to none, with 2 abstentions (China, Russian Federation) as resolution 821 (1993). The resolution reads as follows:

*The Security Council,*

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

*Considering* that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist,

*Recalling* its resolution 757 (1992) of 30 May 1992, in which it noted that “the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted”,

*Recalling also* its resolution 777 (1992) of 19 September 1992, in which it recommended to the General Assembly that it decide that the Federal Republic of Yugoslavia (Serbia and

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<sup>564</sup> S/25675.

Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

*Recalling further* that the General Assembly in its resolution 47/1 of 22 September 1992, having received the recommendation of the Security Council of 19 September 1992, considered that the Federal Republic of Yugoslavia (Serbia and Montenegro) could not continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations and therefore decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations and that it shall not participate in the work of the General Assembly,

*Recalling* that in its resolution 777 (1992) it decided to consider the matter again before the end of the main part of the forty-seventh session of the General Assembly, and that in December 1992 the members of the Council agreed to keep the subject-matter of resolution 777 (1992) under continuous review and to consider it again at a later date,

1. *Reaffirms* that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, and therefore recommends to the General Assembly that, further to the decisions taken in Assembly resolution 47/1, it decide that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the Economic and Social Council;

2. *Decides* to consider the matter again before the end of the forty-seventh session of the General Assembly.

Speaking after the vote, the representative of China recalled that his delegation had always held that all the Republics of the former Yugoslavia should take their own seats in the United Nations, and that no Republic should be excluded lightly. His delegation considered that the resolution just adopted was a transitory arrangement. It hoped that the question of the seat of the Federal Republic of Yugoslavia might be settled properly and that the Federal Republic of Yugoslavia would be able to obtain its own seat in the United Nations and the organs belonging to the United Nations system.<sup>565</sup>

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<sup>565</sup> *Ibid.*, pp. 3-6.

The representative of the United States stated that her delegation had voted in favour of the resolution just adopted, as it continued to believe that the claim of the Federal Republic of Yugoslavia to membership in international organizations was legally invalid. The United States would support the application of the Federal Republic of Yugoslavia for membership in the United Nations only when Serbia and Montenegro met the criteria in the United Nations Charter. The Federal Republic of Yugoslavia therefore must show that it was a peace-loving State and must demonstrate its willingness to comply fully with Chapter VII resolutions of the Security Council. The Belgrade authorities must end their support for the Bosnian Serbs and for aggression in Bosnia and Croatia.<sup>566</sup>

The representative of Brazil recalled that his delegation had expressed its views on the question of the participation of the Federal Republic of Yugoslavia when the issue had been taken up by the General Assembly the previous September. Brazil remained convinced that questions relating to admission, participation, suspension or expulsion affected the most basic rights of States in relation to the Organization, and that they should therefore be treated with the utmost care and attention, bearing in mind the fundamental need to follow the Charter strictly. It was only in extraordinary circumstances, such as the deteriorating situation in the territories of the former Yugoslavia, and particularly in Bosnia and Herzegovina, that the application of extraordinary measures could be justified. By voting in favour of the resolution just adopted, Brazil wished to signify its support for the urgent efforts of the Security Council to bring to an end to the conflict in the territory of the former Yugoslavia.<sup>567</sup>

The representative of the Russian Federation noted that his delegation had abstained in the voting on the resolution just adopted because it was against taking further steps to separate Belgrade, and excluding it from the international organizations. He contended that recent events in the Yugoslav crisis, combined with the fact that the leadership of the Federal Republic of Yugoslavia had undertaken specific steps to apply

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<sup>566</sup> *Ibid.*, pp. 6-7.

<sup>567</sup> *Ibid.*, pp. 7-8.



pressure on the Bosnian Serbs in order to ensure that they adhered to the Vance-Owen plan, rendered inappropriate the idea of meting out further punishment to Belgrade. The speaker also cautioned that such action might give the impression that the international community regarded such punishment as an end in itself, to the detriment of ongoing efforts to seek a peaceful settlement.<sup>568</sup>

**Decision** of 17 September 1993: letter from the President to the President of the General Assembly

By a letter<sup>569</sup> dated 17 September 1993, the President of the Security Council informed the President of the General Assembly as follows:

“I have the honour to inform you that in consultations in connection with Security Council resolution 821 (1993) of 28 April 1993, the members of the Council agreed to keep the subject-matter of that resolution under continuous review and to consider it again at a later date.”

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<sup>568</sup> *Ibid.*, p. 8.

<sup>569</sup> S/26466.

**Letter dated 14 December 1994 from the Chairman of the Security Council  
Committee established pursuant to resolution 724 (1991) concerning Yugoslavia  
addressed to the President of the Security Council**

INITIAL PROCEEDINGS

**Decision** of 14 December 1994 (3480<sup>th</sup> meeting): resolution 967 (1994)

By a letter<sup>570</sup> dated 14 December 1994 addressed to the President of the Security Council, the Chairman of the Security Council Committee established by resolution 724 (1991) concerning Yugoslavia, reported that the Acting Executive Director of UNICEF had informed the Committee that several countries in Central Asia and Eastern Europe were facing a major resurgence of diphtheria and that the only available stocks of anti-serum to combat this serious condition were located in the Federal Republic of Yugoslavia (Serbia and Montenegro). The Acting Executive Director of UNICEF had therefore requested that the Committee facilitate the shipment of 12,000 vials of diphtheria anti-serum from the Federal Republic of Yugoslavia (Serbia and Montenegro) for use in the affected countries. The Chairman noted that, taking into account the exceptional humanitarian circumstances of the situation, the Committee had decided to recommend that the Council adopt a resolution permitting, for a period of thirty days, the export from the Federal Republic of Yugoslavia (Serbia and Montenegro) of 12,000 vials of diphtheria anti-serum. The Committee had also recommended that any payments for such authorized shipments should be made only into frozen accounts.

At its 3480<sup>th</sup> meeting, on 14 December 1994, the Council began its consideration of the item. Following the adoption of the agenda, the President (Rwanda) drew the attention of the Council members to the text of a draft resolution<sup>571</sup> that had been prepared in the course of the Council's prior consultations. The draft resolution was then

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<sup>570</sup> S/1994/1418.

<sup>571</sup> S/1994/1419.

put to the vote and it was adopted unanimously as resolution 967 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the situation in the Former Yugoslavia, in particular its resolution 757 (1992) of 30 May 1992,

*Taking note* of the letter dated 14 December 1994 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and the communication from the Acting Executive Director of the United Nations Children's Fund of 13 December 1994 annexed thereto, in which the Council is informed of a major resurgence of diphtheria and that the only available stocks of antiserum to combat this serious condition are located in the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Recognizing* that the export of anti-serum from the Federal Republic of Yugoslavia (Serbia and Montenegro) will require an exemption from the provisions of resolution 757 (1992) of 30 May 1992, and acting in this respect under Chapter VII of the Charter of the United Nations,

1. *Decides* to permit, for a period of thirty days from the date of the adoption of the present resolution, the export of 12,000 vials of diphtheria anti-serum from the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. *Decides further* that any payments for such authorized shipments shall be made only into frozen accounts;

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

## Navigation on the Danube river<sup>572</sup>

### INITIAL PROCEEDINGS

**Decision** of 28 January 1993: note by the President<sup>573</sup>

By a letter<sup>574</sup> dated 27 January 1993 addressed to the President of the Security Council, the representative of Romania transmitted the declaration issued by his Government on 27 January 1993, concerning the situation created on the Danube river as a result of the flagrant violation of Security Council resolutions 757 (1992) and 787 (1992) by Yugoslav vessels transporting petroleum products. The representative of Romania underlined that the cooperation between riparian States as well as international cooperation, including appropriate consideration and action by the Security Council, was necessary in order to compel the Yugoslav authorities to take immediate measures to stop the violation of the embargo by the Yugoslav vessels.

By a letter<sup>575</sup> dated 28 January 1993 addressed to the President of the Security Council, the representative of Bulgaria transmitted the text of a Press Release of 27 January 1993 by his Ministry of Foreign Affairs regarding the recent incident involving the unauthorized passage of the Serbian convoy towed by the tugship “Bihac” through the Bulgarian-Romanian sector of the Danube. The Ministry stated that establishing close cooperation between Bulgarian and Romanian authorities was of decisive significance to prevent such incident in the future. He reiterated his appeal for the deployment of international sanctions monitoring missions at all ports along the Danube and stressed the urgent need for

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<sup>1</sup> This item began its life with the title “Navigation on the Danube river in the FRY”. It was reformulated as “Navigation on the Danube river” as from the 3533<sup>rd</sup> meeting, held on 11 May 1995.

<sup>573</sup> Statement to the media.

<sup>574</sup> S/ 25189.

<sup>575</sup> S/ 25182.

substantial technical support to assist his country and Romania in the implementation of the sanctions.

**Decision** of 28 January 1993: note by the President

On 28 January 1993, after consultations with the members of the Council, the President made the following statement to the media<sup>576</sup> on behalf of the members of the Council:

“In connection with letters dated 27 January from the representative of Romania and 28 January 1993 from the representative of Bulgaria to the President of the Security Council, the members of the Council heard a report from the Chairman of the Committee established by resolution 724 (1991) about Yugoslav vessels carrying oil from Ukraine to Serbia by way of the Danube, a flagrant violation of mandatory Security Council resolutions.

“The members of the Council are concerned that these shipments are reported to have left Ukrainian territory after the adoption of resolution 757 (1992) of 30 May 1992 and indeed may have left after the adoption of resolution 787 (1992) of 16 November 1992. They call on the Government of Ukraine to ensure that no further such shipments are permitted.

“The members of the Council are also extremely concerned that some of the vessels have already reached Serbia. In this regard, they demand that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) comply fully with the relevant resolutions. They have asked the President of the Council to convey their concern to the representatives of Romania and Bulgaria, to remind them of their clear obligations under the relevant resolutions and to seek an explanation of their failure to fulfil them. They have asked the President to draw particular attention to the relevant resolutions, which make clear the responsibility of all riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with Council resolutions, including such enforcement measures commensurate with the specific circumstances as may be necessary to halt such shipping. The members of the Council reaffirm their support for vigorous enforcement of the relevant resolutions, and they are clear that the riparian States have the means to fulfil this obligation and that they must do so forthwith.”

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<sup>576</sup> S/25190.

**Decision** of 10 February 1993: note by the President<sup>577</sup>

On 10 February 1993, after consultations with the members of the Council, the President made the following statement to the media<sup>578</sup> on behalf of the members of the Council:

“The members of the Security Council have heard a report from the Chairman of the Committee established by resolution 724 (1991) about the detention of Romanian vessels on the Danube by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

“They have learned that the Minister of Transport of the Federal Republic of Yugoslavia (Serbia and Montenegro) has threatened to detain more Romanian vessels if Romania does not allow the passage of Yugoslav vessels on the Danube. They have also learned that that Minister has addressed a letter to the Chairman of the Committee established by resolution 724 (1991) informing him that the Romanian vessels would be released without further delay, which according to information provided by the Chargé d'affaires of the Permanent Mission of Romania to the United Nations has not yet happened.

“The members of the Council recall their statement of 28 January 1993 about the responsibility of States to enforce mandatory Security Council resolutions, with particular reference to Yugoslav vessels attempting to violate those resolutions by way of the Danube. They commend the Romanian Government for the action it has since taken in this regard and reaffirm once again their full support for vigorous enforcement of the relevant resolutions.

“They also recall that under Article 103 of the Charter, the obligations of the Members of the United Nations under the Charter prevail over their obligations under any other international agreement.

“The members of the Council condemn any such retaliatory action and threats of such action by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro). It is wholly unacceptable for those authorities to take retaliatory measures in response to action by

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<sup>577</sup> Statement to the media.

<sup>578</sup> S/25270.

a State in fulfilment of its obligations under the Charter of the United Nations. They demand that those authorities release forthwith the Romanian vessels they have unjustifiably detained, and that they desist from further unlawful detention.”

**Decision** of 13 October 1993 (3290<sup>th</sup> meeting): statement by the President

By a letter<sup>579</sup> dated 11 October 1993 addressed to the President of the Security Council, the representative of Hungary reported that the blockade on the Danube at Belgrade, which had been initiated in mid-July by two Serbian non-governmental organizations, was continuing unabated. Despite recent promises made by the Federal Republic of Yugoslavia to eliminate the blockade, Belgrade had taken no measures to remedy the situation. Moreover, the authorities of the Federal Republic of Yugoslavia continued to impose tolls on vessels wishing to transit the Yugoslav section of the Danube, in violation of the Danube Convention and despite the call made on 3 September 1993 by the Security Council Committee established pursuant to resolution 724 (1991) to cease their illegal action. Hungary, while firm in its commitment to the full implementation of its obligations arising in connection with the sanctions régime, was facing an increasingly complex task of stopping shipments falling under that régime and lacking proper authorization or carrying falsified documents. The letter noted that those shipments had, in many instances, crossed several international borders before reaching Hungary and it contended that Hungary’s commitment to implementing the sanctions could be efficient only if it was sustained by the cooperation of all the States Member of the United Nations, in observance of the relevant Security Council resolutions.

At its 3290<sup>th</sup> meeting, on 13 October 1993, the Council included the above letter in its agenda. Following the adoption of the agenda, the President (Brazil) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>580</sup> on behalf of the Council:

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<sup>579</sup> S/26562.

<sup>580</sup> S/26572.

“The Security Council has learned with deep concern that the blocking of the Danube by two Serbian non-governmental organizations is still continuing and deplores the acquiescence of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), which is reflected in the fact that they have failed to take any action to prevent these acts. It condemns these deliberate and unjustified acts of interference with the river traffic of several Member States of the United Nations. It emphasizes the importance it attaches to the free and unhindered navigation on the Danube, which is essential for legitimate trade in the region. It reminds the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of their previous written commitment to secure free and safe navigation on this vital international waterway.

“The Council is also concerned that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continue to impose tolls on foreign vessels transiting the section of the Danube which passes through the territory of the Federal Republic. By extracting these payments, the Federal Republic of Yugoslavia (Serbia and Montenegro) violates its international obligations. The Council rejects any attempt to justify, on whatever ground, the imposition of tolls on the Danube. It demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and any others imposing similar tolls cease such action immediately.

“The Council condemns these illegal actions and reaffirms that it is wholly unacceptable for the Federal Republic of Yugoslavia (Serbia and Montenegro) to take retaliatory measures in response to action by a State in fulfilment of its obligations under the Charter of the United Nations. It reminds the Federal Republic of Yugoslavia (Serbia and Montenegro) of its own international obligations and demands that its authorities ensure free movement of international traffic on the Danube.

“The Council remains seized of the matter.”

**Decision** of 14 March 1994 (3348<sup>th</sup> meeting): statement by the President

At its 3348<sup>th</sup> meeting, on 14 March 1994, the Council resumed its consideration of the item. Following the adoption of the agenda, the President (France) stated that, after



consultations among members of the Security Council, he had been authorized to make the following statement<sup>581</sup> on behalf of the Council:

"The Security Council has taken note of the letters dated 10 and 14 March 1994 from the Chargé d'affaires a.i. of the Federal Republic of Yugoslavia (Serbia and Montenegro). In these documents, his Government acknowledges that the Bulgarian convoy, the *Han Kubrat*, composed of 6 barges transporting 6,000 tons of diesel oil on the Danube, entered the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) on the morning of 6 March 1994 at the port of Prahovo. The Government also recognizes that the cargo was unloaded and that the convoy returned to Bulgaria without it.

"The Council most strongly condemns this flagrant violation by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) of the relevant resolutions of the Council prohibiting the shipment of commodities and products to the Federal Republic of Yugoslavia (Serbia and Montenegro). It holds the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) fully accountable for the non-return of the cargo of the *Han Kubrat*.

"The Council welcomes the cooperative attitude of the Bulgarian Government. It calls upon the authorities of Bulgaria to assess the precise circumstances of this act and to prosecute those responsible for it.

"The Council reaffirms the importance it attaches to free and unimpeded navigation on the Danube, which is essential to legitimate commerce in the region. It again stresses that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have undertaken in writing to guarantee the freedom and security of navigation on this crucial international waterway. It invites them to respect scrupulously their commitments in this regard.

"The Council stands ready to address the issue again in the future."

**Decision** of 11 May 1995 (3533<sup>rd</sup> meeting): resolution 992 (1995)

At its 3533<sup>rd</sup> meeting, on 11 May 1995, the Council included the item entitled "Navigation on the Danube river" in its agenda. Following the adoption of the agenda, the President (France) drew the attention of the Council members to the text of a draft

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<sup>581</sup> S/PRST/1994/10.

resolution<sup>582</sup> that had been prepared in the course of the Council's prior consultations and to a letter<sup>583</sup> dated 8 May 1995 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia addressed to the President of the Security Council. The Chairman informed the Council that the Government of Romania, supported by other Danube riparian States, the Danube Commission and the European Union/Organization for Security and Cooperation in Europe (EU/OSCE) Sanctions Coordinator, had requested authorization for vessels of the Federal Republic of Yugoslavia (Serbia and Montenegro) to be allowed to use the Romanian locks of the Iron Gates I system, on the left bank of the Danube, while repairs were carried out to the locks on the right bank. The riparian States and international organizations concerned had asked for the Committee's assistance, stressing the importance for safe international navigation on the Danube of the Iron Gates I system being properly maintained and repaired. In considering the matter, the Committee had taken into account the need and readiness of Romania to ensure that vessels of the Federal Republic of Yugoslavia, if allowed to use the Romanian locks of the system, would not engage in any activities contravening the relevant Security Council resolutions. The Committee had therefore recommended, in view of the exceptional circumstances as well as the provisions contained in paragraph 16 of resolution 820 (1993), that the Security Council consider the adoption of a technical resolution on the matter.

The draft resolution was then put to the vote and was adopted unanimously as resolution 992 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the former Yugoslavia, in particular its resolution 820 (1993) of 17 April 1993,

*Desiring* to promote free and unhindered navigation on the Danube in accordance with those resolutions,

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<sup>582</sup> S/1995/373.

<sup>583</sup> S/1995/372.

*Recalling* statements made by the President of the Security Council on freedom of navigation on the Danube, in particular that made on 13 October 1993 expressing concern about the imposition of illegal tolls on foreign vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Reminding* States of their obligations under paragraph 5 of resolution 757 (1992) of 30 May 1992 not to make available to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) or to any commercial, industrial or public utility undertaking in the Federal Republic of Yugoslavia (Serbia and Montenegro) any funds or any other financial or economic resources and to prevent their nationals from making available to those authorities or to any such undertaking any such funds or resources, and noting that flag States may submit claims to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro) for reimbursement of tolls illegally imposed on their vessels transiting the section of the Danube which passes through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro),

*Taking note* of the letter dated 8 May 1995 from the Chairman of the Security Council Committee established pursuant to resolution 724 (1991) regarding the use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of the locks of the Iron Gates I system on the left bank of the Danube while repairs are carried out to the locks on the right bank,

*Recognizing* that the use by vessels registered in, or owned or controlled by persons in, the Federal Republic of Yugoslavia (Serbia and Montenegro) of these locks will require an exemption from the provisions of paragraph 16 of resolution 820 (1993) and acting, in this respect, under Chapter VII of the Charter of the United Nations,

1. *Decides* that the use of the locks of the Iron Gates I system on the left bank of the Danube by vessels (a) registered in the Federal Republic of Yugoslavia (Serbia and Montenegro) or (b) in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be permitted in accordance with this resolution;

2. *Also decides* that the present resolution shall come into force on the day following the receipt by the Council from the Security Council Committee established pursuant to resolution 724 (1991) of a report by the Danube Commission that it is satisfied that preparations for the repairs to the locks of the Iron Gates I system on the right bank of the Danube have been completed, and that the present resolution shall remain in force, subject to

paragraph 6 below, for a period of sixty days from the date on which it comes into force, and, unless the Council decides otherwise, for further periods of up to sixty days if the Council is notified by the Committee established pursuant to resolution 724 (1991) that each such further period is required for completion of the necessary repairs;

3. *Requests* the Government of Romania, with the assistance of the European Union/Organization for Security and Cooperation in Europe Sanctions Assistance Missions, strictly to monitor this use, including, if necessary, by inspections of the vessels and their cargo, to ensure that no goods are loaded or unloaded during the passage by the vessels through the locks of the Iron Gates I system;

4. *Also requests* the Government of Romania to deny passage through the locks of the Iron Gates I system on the left bank of the Danube to any vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above which is identified as being a party to any suspected or substantiated violation of the relevant Council resolutions;

5. *Requests* the Sanctions Assistance Missions Communications Centre to report to the Committee established pursuant to resolution 724 (1991) and to the Romanian authorities operating the locks of the Iron Gates I system on the left bank of the Danube any suspected violation of any of the relevant Council resolutions by vessels using the locks of the Iron Gates I system under the authority of paragraph 1 above and to transmit to the Committee and to the Romanian authorities evidence that any such violation has in fact occurred; and decides that the Chairman of the Committee shall, after consulting members of the Committee, transmit to the Council any substantiated evidence of such a violation forthwith;

6. *Decides* that the exemption provided for in paragraph 1 above shall terminate on the third working day after the Council receives substantiated evidence from the Chairman of the Committee established pursuant to resolution 724 (1991) of a violation of any of the relevant resolutions of the Council by a vessel using the locks of the Iron Gates I system under the authority of paragraph 1 above, unless the Council decides to the contrary, and that the Government of Romania shall be so informed immediately;

7. *Requests* the Executive Director of the Danube Commission to inform the Chairman of the Committee established pursuant to resolution 724 (1991) of the date of completion of the repairs, or, if the repairs have not been completed within sixty days of the entry into force of the present resolution, or within the subsequent periods of up to sixty days for which the provisions of the present resolution may be extended, to provide the Chairman with a report on the state of the repairs ten days before the expiry of any such period;

8. *Confirms* that, in accordance with the provisions of resolution 760 (1992), the importation into the Federal Republic of Yugoslavia (Serbia and Montenegro) of supplies essential to the repair of the locks on the right bank of the Danube may be approved in accordance with the procedures of the Committee established pursuant to resolution 724 (1991) at a meeting or meetings of the Committee;

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

## United Nations Protection Force<sup>584</sup>

### INITIAL PROCEEDINGS

**Decision** of 19 February 1993 (3174<sup>th</sup> meeting): resolution 807 (1993)

On 10 February 1993, pursuant to resolution 743 (1992), the Secretary-General submitted to the Council a further report<sup>585</sup> on the United Nations Protection Force (UNPROFOR). The report was intended to provide a basis for the Security Council to take appropriate action on the future of the Force before its mandate expired on 21 February 1993. It focused primarily on the options available to the Council in relation to UNPROFOR's mandate in Croatia.

The Secretary-General observed that while the non-cooperation of the local Serb authorities had seriously retarded the implementation of the United Nations peace-keeping plan, the Croatian offensive on and after 22 January 1993 had significantly altered the realities on the ground. Following the offensive, the President of Croatia had indicated publicly that his Government was also prepared to invade the UNPA's if UNPROFOR was unable to fulfil its mandate there. For its part, the Serb leadership in the UNPA's had re-armed and remobilized its force in response to the Croatian offensive. In addition, the circumstances in which the peace-keeping plan had been drafted and agreed had themselves changed. The plan had been envisaged as an interim arrangement pending an overall political solution to the Yugoslav crisis. The Government of Croatia claimed there was no longer any "overall political solution" to negotiate. The only issue, in its view, was the return of the UNPA's and the "pink zones" to Croatian control, with the Serb minority enjoying the rights granted by the Croatian Constitution and other legal instruments. The Serb leadership in the UNPA's, however, refused to consider those territories to be part of Croatia and rejected talks on that basis. It further argued that the

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<sup>584</sup> This item began its life with the title "Further report of the Secretary-General pursuant to resolution 743 (1992) (S/25264 and Corr.1)". It was reformulated as "United Nations Protection Force (UNPROFOR)" as from the 3248<sup>th</sup> meeting, held on 30 June 1993.

<sup>585</sup> S/25264 and Corr.1.

two parties to the original plan no longer have any *locus standi* in the area where UNPROFOR was deployed. The mandate and deployment of UNPROFOR must now be discussed with them as the sovereign “Republic of Serb Krajina”.

Noting that these positions appeared to be irreconcilable, the Secretary-General proposed the following options with regard to UNPROFOR’s mandate: (a) to renew the mandate entrusted to UNPROFOR by resolution 743 (1992); (b) to modify that mandate; or (c) to give UNPROFOR no mandate in Croatia. Analysis of these options, however, did not indicate any clear way forward in a difficult situation not foreseen when the Security Council had decided to establish UNPROFOR. Two factors needed to be addressed before taking any decision regarding UNPROFOR. The first was the failure to implement the peacekeeping plan. The second was that it had not been possible to negotiate an agreed settlement to the conflict between Croatia and the Serbs populations living in the UNPAs and the pink zones. He had therefore asked the Co-Chairmen of the ICFY Steering Committee to address those questions urgently, so that he could make a substantive recommendation for an extension of UNPROFOR’s mandate. As it was unlikely that those results could be achieved by 21 February 1993, when the existing UNPROFOR mandate was due to expire, the Secretary-General recommended that the Security Council extend UNPROFOR’s mandate for an interim period up to 31 March 1993.

At its 3174<sup>th</sup> meeting, on 19 February 1993, the Council included the item entitled: “Further report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/25264 and Corr.1” in its agenda. 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 Council also invited Ambassador Dragomir Djokić, at his request, to address the Council in the course of the discussion. The President (Morocco) then drew the attention of the Council members to the text of a draft resolution<sup>586</sup> that had been prepared in the course of the Council’s prior consultations and to several other documents.<sup>587</sup>

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<sup>586</sup> S/25306.

<sup>587</sup> S/25062 and 25288: letters dated 5 January and 12 February 1993, respectively, from the representative of Croatia addressed to the Secretary-General; S/25193, letter dated 29 January 1993 from the Chargé d’affaires a.i. of

The representative of Croatia stated that his Government supported the Secretary-General's proposal for the provisional extension of UNPROFOR's mandate, as it would provide enough time for negotiations concerning all aspects of the UNPROFOR operation and for full implementation of the Vance plan. Referring to his letter dated 12 February 1993, he stressed that future United Nations operations in Croatia must be based on the following basic elements: complete demilitarization of the UNPAs and pink zones; voluntary return of the refugees; control of Croatian international borders; confidence-building measures as a part of the process of reintegration of the UNPAs and the pink zones into the Croatian State; and protection of national minorities and other human rights. Croatia was prepared to implement Security Council resolution 802 (1993) as a first step in the demilitarization process that would be fully established through the implementation of resolutions 762 (1992) and 769 (1992) and that would enable a comprehensive political solution under the auspices of the Conference on the Former Yugoslavia. Before concluding, the speaker expressed confidence that future decisions of the Council would give added credibility to the UNPROFOR operation, and would provide it with effective mechanisms to attain the goals foreseen in the Vance plan.<sup>588</sup>

Ambassador Djokić contended that the recent aggression of the Croatian Army against the UNPAs, UNPROFOR and the Serb civilian population, represented a flagrant violation of the Vance peace plan and of relevant Security Council resolutions, including resolutions 724 (1991) and 762 (1992). He argued that Croatia had ignored recent decisions of the Council, such as resolution 802 (1993) and the presidential statement of 27 January 1993, and that the Council had an obligation to take all appropriate measures, including those envisaged in Chapter VII, to make Croatia honour the United Nations Charter and all relevant Security Council resolutions. For its part, the Federal Republic of

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Yugoslavia addressed to the Secretary-General; S/25218 and S/25237, letters dated 1 and 3 February 1993 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council; S/25222, letter dated 26 January 1993 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council, transmitting the text of the Declaration on the Former Yugoslavia adopted by the European Community on 25 January 1993; and S/25246, letter dated 5 February 1993 from the representative of Turkey addressed to the Secretary-General.

<sup>588</sup> S/PV.3174, pp. 3-6.



Yugoslavia had fulfilled all obligations undertaken under the Vance plan and supported further engagement of UNPROFOR and full implementation of resolution 802 (1993). The speaker further argued that UNPROFOR had proved to be justified, thus creating the basic prerequisites for all open questions to be resolved. The Federal Republic of Yugoslavia had expected UNPROFOR's mandate to be extended for a year, however it supported the proposal contained in the draft resolution. It hoped that in the meantime the necessary conditions would be created so that the mandate could be further extended, as envisioned by the plan, until a comprehensive and peaceful solution was reached.

Speaking before the vote, the representative of France stated that the security of UNPROFOR personnel was a priority for his Government, in considering the question of renewing UNPROFOR's mandate. Recent events in Croatia had demonstrated that there was an overriding need to endow the Force with both the legal basis and the military means to ensure its self-defence. In the circumstances, the Council's only option was to extend the mandate for an interim period of six weeks, but even for that brief period it had been "unthinkable" to extend the mandate in its current form. The French delegation had therefore proposed a draft resolution placing UNPROFOR within the framework of Chapter VII of the Charter, and it had suggested a series of concrete measures to ensure greater stability in the areas where UNPROFOR was deployed. The reference to Chapter VII was not designed to change the nature of the Force from peacekeeping to peacemaking. Rather, the sole consideration was "preventive security", which was reflected in the text of the draft resolution.<sup>589</sup>

The representative of China said that UNPROFOR's mandate should be extended for an interim period. His delegation shared the concern of other delegations relating to the threat posed to the security of Force personnel and it supported the Secretary-General's taking appropriate measures to strengthen the security of UNPROFOR personnel. In light of that consideration, and of the fact that it had been repeatedly stated

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<sup>589</sup> *Ibid.*, pp. 13-15.

that the purpose of invoking Chapter VII of the United Nations Charter in the draft resolution was to take measures to increase appropriately UNPROFOR's self-defence capability, his delegation would vote in favour of the draft resolution. The speaker, however, pointed out that UNPROFOR was a peacekeeping operation and that Chapter VII had not been invoked either in resolution 743 (1992) or in subsequent resolutions relating to the matter, nor did the Secretary-General's report contained such request. The question could have been settled through the expanded concept of self-defence and rules of engagement, and by taking appropriate measures without invoking Chapter VII. China wished to place on record its understanding that the practice of invoking Chapter VII was exceptional and did not constitute a precedent for future peacekeeping operations.<sup>590</sup>

The representative of the Russian Federation stated that his delegation considered the demand contained in the draft resolution for the rapid implementation of resolution 802 (1993) and other resolutions to be extremely important. It was important to exert a "balanced influence" over those involved in the Yugoslav crisis, in the interest of prompt settlement. Russia believed that, should Croatia fail to meet the demands contained in resolution 802 (1993) and other Security Council resolutions, sanctions under Chapter VII of the United Nations Charter should also be applied to Croatia. Russia also supported the provisions in the draft resolution that sought to strengthen the security of UNPROFOR personnel.<sup>591</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 807 (1993). The resolution reads as follows:

*The Security Council,*  
*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,  
*Having considered* the report of the Secretary-General of 10 February 1993,

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<sup>590</sup> *Ibid.*, pp. 19-21.

<sup>591</sup> *Ibid.*, pp. 21-23.

*Deeply concerned* by the lack of cooperation of the parties and others concerned in implementing the United Nations peace-keeping plan in Croatia,

*Deeply concerned also* by the recent and repeated violations by the parties and others concerned of their cease-fire obligations,

*Determining* that the situation thus created constitutes a threat to peace and security in the region,

*Noting* in that context the request of the Secretary-General to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, mentioned in his report, to establish as soon as possible, through discussions with the parties, a basis on which the mandate of the Force could be renewed,

*Determined* to ensure the security of the Force, and to this end acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the parties and others concerned comply fully with the United Nations peace-keeping plan in Croatia and with the other commitments they have undertaken and in particular with their cease-fire obligations;

2. *Demands also* that the parties and others concerned refrain from positioning their forces in the proximity of units of the United Nations Protection Force in the United Nations Protected Areas and in the pink zones;

3. *Demands* the full and strict observance of all relevant Security Council resolutions relating to the mandate and operations of the Force in the Republic of Bosnia and Herzegovina;

4. *Demands further* that the parties and others concerned respect fully unimpeded freedom of movement of the Force, enabling it, *inter alia*, to carry out all necessary concentrations and deployments, all movements of equipment and weapons and all humanitarian and logistical activities;

5. *Decides*, in the context of these demands, to extend the mandate of the Force for an interim period terminating on 31 March 1993;

6. *Urges* the parties and others concerned fully to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in the discussions under their auspices in order to ensure full implementation of the United Nations peace-keeping mandate in Croatia, including, *inter alia*, through the collection and supervision of heavy weapons by the Force and the appropriate withdrawal of forces;

7. *Invites* the Secretary-General to work to achieve the rapid implementation of the United Nations peace-keeping mandate and of relevant Security Council resolutions,

including resolution 802 (1993) of 25 January 1993, thus to ensure security and stability throughout the Protected Areas and the pink zones;

8. *Also invites* the Secretary-General, during the interim period and in consultation with the force-contributing States, to take, in accordance with paragraph 17 of his report, all appropriate measures to strengthen the security of the Force, in particular by providing it with the necessary defensive means, and to study the possibility of carrying out such local redeployment of military units as is required to ensure their protection;

9. *Requests* the Secretary-General to submit a report on the further extension of the mandate of the Force, including financial estimates for all its activities as proposed in his report of 10 February 1993;

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

**Decision** of 30 March 1993 (3189<sup>th</sup> meeting): resolution 815 (1993)

On 25 March 1993, pursuant to resolution 807 (1993), the Secretary-General submitted to the Council a report<sup>592</sup> on the further extension of UNPROFOR's mandate. The Secretary-General informed the Council that in accordance with resolution 807 (1993), the Co-Chairmen of the Steering Committee of the ICFY had held several rounds of talks, in New York and Geneva, with representatives of the Government of Croatia and the Serb population living in the UNPAs and the pink zones. While some progress had been made in the talks, fundamental differences remained. It appeared, therefore, that more time would be needed to bring the negotiations to a meaningful conclusion. However, as any termination of UNPROFOR's presence in Croatia would entail the strong likelihood of an outbreak of renewed hostilities, the Secretary-General recommended that UNPROFOR's mandate be extended for a further interim period of three months. In the meantime, the Secretary-General had requested the Co-Chairmen to continue their efforts to obtain renewed commitment by the parties to the United Nations peacekeeping plan and to the implementation of resolution 802 (1993) and other relevant resolutions.

At its 3189<sup>th</sup> meeting, held on 30 March 1993, the Council continued its consideration of the item entitled: "Report of the Secretary-General pursuant to Security

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<sup>592</sup> S/25470 and Add.1.

Council resolution 807 (1993)". 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 (New Zealand) then drew the attention of the Council members to the text of a draft resolution<sup>593</sup> that had been prepared in the course of the Council's prior consultations, to the above report and to several other documents.<sup>594</sup>

Speaking before the vote, the representative of France stated that his delegation welcomed the draft resolution, which strengthened the recourse to Chapter VII by extending it to the question of UNPROFOR's freedom of movement. The draft resolution also extended the Force's mandate for an interim period and provided that the Council would reconsider UNPROFOR's situation within one month and, if necessary, would draw the appropriate conclusions. He warned that, should the fighting continue, a series of firm measures would have to be considered and implemented. These measures could include: the use of all necessary measures to strengthen the monitoring of the embargo, or the adoption of new measures; the deployment or reinforcement of observers on the Bosnian-Croatian border; the broadening of the application of Chapter VII when the mandate of the Force was next renewed; or, if the situation called for it, the partial or total withdrawal of the Force. The speaker concluded by stating that the principle of respect for Croatia's territorial integrity must be solemnly established.<sup>595</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 815 (1993). The resolution reads as follows:

*The Security Council,*

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<sup>593</sup> S/25481.

<sup>594</sup> S/25350, letter dated 1 March 1993 from the Chargé d'affaires a.i. of Croatia addressed to the President of the Security Council; S/25454 and S/25477, letters dated 22 and 26 March from the representative of Croatia addressed to the President of the Security Council; S/25447, letter dated 19 March 1993 from the representative of Croatia addressed to the Secretary-General; S/25381 and S/25382, letters dated 8 March 1993 from the Chargé d'affaires a.i. of Yugoslavia addressed to the Secretary-General; and S/25449, letter dated 22 March 1993 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council.

<sup>595</sup> S/PV.3189, pp. 3-6.

*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

*Reaffirming in particular its commitment* to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Republics where the Force is deployed,

*Having considered* the report of the Secretary-General of 25 and 26 March 1993,

*Deeply concerned* at the continuing violations by the parties and others concerned of their cease-fire obligations,

*Determining* that the situation thus created continues to constitute a threat to peace and security in the region,

*Determined* to ensure the security of the Force and its freedom of movement for all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General, in particular its paragraph 5;
2. *Reaffirms* all the provisions of its resolutions 802 (1993) of 25 January 1993 and 807 (1993) of 19 February 1993;
3. *Decides* to reconsider one month after the date of the adoption of the present resolution, or at any time at the request of the Secretary-General, the mandate of the United Nations Protection Force in the light of developments of the International Conference on the Former Yugoslavia and the situation on the ground;
4. *Decides*, in this context, further to extend the mandate of the Force for an additional interim period terminating on 30 June 1993;
5. *Supports* the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in their efforts to help to define the future status of those territories comprising the United Nations Protected Areas, which are integral parts of the territory of the Republic of Croatia, and demands full respect for international humanitarian law, and in particular the Geneva Conventions, in these Areas;
6. *Requests* the Secretary-General to report urgently to the Security Council on how the United Nations peace plan for Croatia can be effectively implemented;
7. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of Hungary stated that his country had voted in favour of resolution 815 (1993), even though it could not yet indicate the tasks that the United Nations would have to bear in the future in the settlement of the crisis of the former Yugoslavia. He further noted that his delegation did not regard the resolution

just adopted as merely a technical extension of UNPROFOR's mandate for another three months. The resolution again reaffirmed that any future mandate must be based on respect for the sovereignty and territorial integrity of Croatia, and that the UNPAs were an integral part of the territory of the Republic of Croatia. The Security Council was therefore clearly establishing the framework within which the parties in Croatia would continue political negotiations.<sup>596</sup>

The representative of the United States welcomed the resolution just adopted, which recognized that UNPROFOR was doing its best to contain the fighting and to create conditions for the peaceful resolution of the conflict. Unfortunately, United Nations efforts had not been totally successful. In Croatia, for example, the inability of UNPROFOR to implement the United Nations peacekeeping plan had been partially responsible for the renewal of fighting. That was why the Council was acting to create conditions for the complete implementation of that plan. The United States also believed it important to stress that the UNPAs were integral parts of Croatia.<sup>597</sup>

The representative of China noted that his delegation supported the principles contained in the resolution just adopted, particularly that of ensuring the sovereignty and territorial integrity of Croatia. He also reiterated his country's position that the application of Chapter VII of the United Nations Charter was due to the special and specific needs of Croatia and that it should not constitute a precedent for the peacekeeping operations of the United Nations.<sup>598</sup>

**Decision** of 30 June 1993 (3248<sup>th</sup> meeting): resolution 847 (1993)

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<sup>596</sup> *Ibid.*, pp. 8-12.

<sup>597</sup> *Ibid.*, p. 12.

<sup>598</sup> *Ibid.*, pp. 14-16.

On 15 May 1993, pursuant to resolution 815 (1993), the Secretary-General submitted to the Council a report<sup>599</sup> containing an interim assessment of developments relating to UNPROFOR's mandate in Croatia.

The Secretary-General noted that developments since the establishment of UNPROFOR had done little to alleviate his original apprehension that there remained a number of unanswered questions about the extent to which the Force would receive the necessary cooperation. The Serb side had taken the presence of UNPROFOR as a licence to freeze the status quo in place, under UNPROFOR "protection" while establishing a "state" of the Republic of Serb Krajina" in UNPROFOR's area of responsibility. The Croatian side, meanwhile, had insisted that since the Plan was drafted, the "overall political solution" that was sought at the time had been found with the recognition of Croatia and its admission to the United Nations; the Serbs must therefore accept the authority of Zagreb, which they had rebelled against in the first place.

The Secretary-General further noted that while UNPROFOR had succeeded in ensuring the complete withdrawal from the UNPAs, it had not been able to fulfil other aspects of the original Peacekeeping Plan. The Serbs had failed to demilitarize the UNPAs and as a result, little progress had been made towards the return of refugees and displaced persons to their homes in the UNPAs. They had also refused to cooperate with UNPROFOR in the implementation of resolutions 762 (1992) and 769 (1992). They had imposed restrictions on UNPROFOR's monitoring function. The Croatian side, in turn, had manifested its impatience with the United Nations, launching military offensives across the line of confrontation. The view of the Government of Croatia was that UNPROFOR should be given enforcement powers to oblige the Serbs to comply with Security Council resolutions, and to do so with specific objectives against a set timetable, failing which the Government had made it clear it would not agree to further extensions of UNPROFOR's mandate. In light of the virtually irreconcilable differences between the parties, the Secretary-General proposed the following options: (a) to declare the mandate unworkable and to withdraw the Force; (b) to accept the Croatian view and approve enforcement action to exact compliance from the Serbs; and (c) to leave UNPROFOR in

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<sup>599</sup> S/25777 and Corr.1 and Add.1.



place, with no change in mandate but with limited enhancements of its military capacity. In addition, he proposed certain enhancements to the strength of UNPROFOR.<sup>600</sup>

The Secretary-General, however, decided to await a report from the Co-Chairman of the Steering Committee of the ICFY and Special Representative in the former Yugoslavia before making any recommendations to the Council. The Secretary-General also underscored the importance of pursuing, as soon as possible and parallel to the work of the peacekeeping force, a process of active negotiation under the auspices of the ICFY, in order to find long-term political solutions to the question of the UNPAs and the relationship between Croats and Serbs in Croatia.

On 24 June 1993, pursuant to resolution 815 (1993), the Secretary-General submitted a further report<sup>601</sup> on UNPROFOR. The report focused primarily on UNPROFOR's activities in Croatia, as developments in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina appeared to warrant an extension of the Force's mandate in those areas.

The Secretary-General reported that, although intensive efforts had been made by the Co-Chairmen of the Steering Committee of the ICFY and by UNPROFOR, no significant progress had occurred. At the same time, the presence of UNPROFOR was indispensable to control the conflict and to foster a climate in which negotiations between parties could be promoted. UNPROFOR's continued presence could be justified by the fact that it was playing a role in preventing the resumption or escalation of conflict, by providing a "breathing-space" for the continued efforts of the Co-Chairmen, and by supporting the provision of essential humanitarian assistance to the victims of the conflict. According to the Co-Chairmen, the termination of the mandate would risk the resumption of a major conflict in the region and cause severe adverse consequences for humanitarian relief operations. In view of those considerations, the Secretary-General recommended that UNPROFOR be maintained with its existing mandate, and its mandate be extended for a further period of three months, until 30 September 1993. He noted, however, that significant progress would be required in the "peacemaking" efforts of the

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<sup>600</sup> The enhancements were outlined in paragraphs 22, 24 and 25 of the report, which were subsequently referred to by the Council in resolution 847 (1993), operative paragraph 1. For details relating to the enhancements, see Chapter V of the current supplement to the *Repertoire*.

<sup>601</sup> S/25993.

Co-Chairmen if a further renewal were to be contemplated. He also warned that, should the threats to the safety of security of United Nations personnel become even more serious, he would have to inform the Council that a viable basis for the continuation of the Force no longer existed.

At its 3248<sup>th</sup> meeting, on 30 June, the Council included in its agenda the item entitled: “United Nations Protection Force (UNPROFOR)”, as well as the above reports. 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 drew the attention of the Council members to the text of a draft resolution<sup>602</sup> that had been prepared in the course of the Council’s prior consultations and to several other documents<sup>603</sup>, including a letter dated 25 June from the representative of Croatia to the Secretary-General. The letter transmitted a letter of the same date from the President of Croatia in which he stated that a limited extension of UNPROFOR’s mandate was only partially acceptable, i.e for the period of one month. However, if progress was made during that one month period, Croatia would be willing to accept the prolongation of UNPROFOR’s role in Croatia under a new mandate. The new mandate must give UNPROFOR the authority and instructions to enforce and implement all the relevant resolutions of the Council in accordance with a specific timetable. Moreover, any agreement on the new mandate could be concluded only between Croatia and the United Nations and be separated from the UNPROFOR mandates in Bosnia and Herzegovina and Macedonia. The draft resolution was then put to the vote and it was adopted unanimously as resolution 847 (1993). The resolution reads as follows:

*The Security Council,*  
*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,  
*Having considered* the reports of the Secretary-General of 15 and 25 May 1993 and of 24 June 1993,

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<sup>602</sup> S/26014.

<sup>603</sup> S/25973 and S/26002, letters dated 18 and 25 June 1993 from the representative of Croatia addressed to the Secretary-General; S/26017, letter dated 30 June 1993 from the representative of Hungary addressed to the President of the Security Council.

*Having considered also* the letter dated 26 June 1993 from the President of the Republic of Croatia addressed to the Secretary-General,

*Recalling* the overwhelming importance of seeking, on the basis of the relevant resolutions of the Security Council, comprehensive political solutions to the conflicts in the territory of the former Yugoslavia, and of sustaining confidence and stability in the former Yugoslav Republic of Macedonia,

*Strongly condemning* continuing military attacks within the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina, and reaffirming its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Member States where the Force is deployed,

*Calling on* the parties and others concerned to reach an agreement on confidence-building measures in the territory of Croatia, including the opening of the railroad between Zagreb and Split, the highway between Zagreb and Zupanja, and the Adriatic oil pipeline, securing the uninterrupted traffic across the Maslenica straits, and restoring the supply of electricity and water to all regions of Croatia, including the United Nations Protected Areas,

*Determined* to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in Croatia and in Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General of 24 June 1993 and the request for additional resources contained in paragraphs 22, 24 and 25 of his report of 15 May 1993;

2. *Requests* the Secretary-General to report one month after the adoption of the present resolution on progress towards implementation of the United Nations peace-keeping plan for Croatia and all relevant Security Council resolutions, taking into account the position of the Government of Croatia, and decides to reconsider, in the light of that report, the mandate of the United Nations Protection Force in the territory of the Republic of Croatia;

3. *Decides*, in this context, to extend the mandate of the Force for an additional interim period terminating on 30 September 1993;

4. *Requests* the Secretary-General to keep the Security Council regularly informed on developments in regard to the implementation of the mandate of the Force;

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

**Decision** of 20 August 1993: letter from the President to the Secretary-General

By a letter<sup>604</sup> dated 18 August 1993 addressed to the President of the Security Council, the Secretary-General reported that, following the necessary training exercises in coordination with the North Atlantic Treaty Organization (NATO), the United Nations now had the initial operational capability for the use of air power in support of the United Nations Protection Force in Bosnia and Herzegovina.

By a letter<sup>605</sup> dated 20 August 1993, the President of the Security Council informed the Secretary-General as follows:

“I have the honour to inform you that I have shared the contents of your letter to me of 18 August 1993, in which you informed me that the United Nations now has the initial operational capability for the use of air power in support of the United Nations Protection Force in Bosnia and Herzegovina, with all members of the Security Council.”

**Decision** of 30 September 1993 (3284<sup>th</sup> meeting): resolution 869 (1993)

On 20 September 1993, pursuant to resolution 743 (1993), the Secretary-General submitted to the Council a further report<sup>606</sup> on UNPROFOR to assist the Council in its deliberations on the renewal of the mandate of UNPROFOR.

The Secretary-General reported that the President of Croatia, in a letter to him dated 13 September 1993, had advanced a number of considerations which he wished to be taken into account. One of his suggestions was that UNPROFOR be divided into three parts – UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia) – while retaining its integrated military, logistical and administrative structure under the command of one Special Representative of the Secretary-General and one theatre Force Commander. In view of the importance attached by the Croatian authorities to such a division, and taking into account the circumstances prevailing on the ground at that time, the Secretary General had decided to grant this suggestion favourable consideration.

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<sup>604</sup> S/26335.

<sup>605</sup> S/26336.

<sup>606</sup> S/26470 and Add.1.

Turning to the question of UNPROFOR's mandate, the Secretary-General reiterated that the fundamental solution to the conflict needed to be sought through political dialogue. The parties bore the primary responsibility for achieving such a solution and they needed to take steps towards reconciliation. In that process, the principal objective of UNPROFOR could only be to keep the peace, thus permitting negotiations to take place on an overall political settlement. Despite the fact that conditions on the ground had prevented UNPROFOR from carrying out essential elements of its mandate, its presence in Croatia had nevertheless helped to contain a volatile situation. The Secretary-General therefore recommended that the Security Council renew UNPROFOR's mandate for a period of six months; demand that the parties in Croatia conclude an immediate cease-fire and cooperate with UNPROFOR, so that it might fulfil the peacekeeping aspects of its mandate; and direct the parties to cooperate with UNPROFOR in restoring water, power, communications and other economic necessities. To enhance the security force, he had requested the extension of close air support to the territory of Croatia. He would report to the Council by 30 November 1993 on the progress achieved by the Co-Chairmen and UNPROFOR and make further recommendations.<sup>607</sup>

At its 3284<sup>th</sup> meeting, on 30 September 1993, the Council included the item entitled: "Report of the Secretary-General pursuant to Security Council Resolution 743 (1992) (S/26470 and Add.1)" in its agenda. Following the adoption of the agenda, the President (Venezuela) drew the attention of the Council members to the text of a draft resolution<sup>608</sup> that had been prepared in the course of the Council's prior consultations and to other documents.<sup>609</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 869 (1993). The resolution reads as follows:

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<sup>607</sup> The Secretary-General's recommendations were contained in paragraph 16 of his report, to which the Council subsequently referred in resolution 871 (1993), operative paragraph 1.

<sup>608</sup> S/26513.

<sup>609</sup> S/26464, letter dated 17 September 1993 from the Chargé d'affaires of Yugoslavia addressed to the Secretary-General; and S/26491, letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council.

*The Security Council,*

*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

*Reiterating its determination* to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Protection Force for an additional period terminating on 1 October 1993;
2. *Decides* to remain actively seized of the matter.

**Decision** of 1 October 1993 (3285<sup>th</sup> meeting): resolution 870 (1993)

At its 3285<sup>th</sup> meeting, on 1 October 1993, the Council included the item entitled: “United Nations Protection Force: Report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/26470 and Add.1)” in its agenda. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution<sup>610</sup> that had been prepared in the course of the Council’s prior consultations and to a revision that had been made to the draft in its provisional form.

The draft resolution was then put to the vote as orally revised and it was adopted unanimously as resolution 870 (1993). The resolution reads as follows:

*The Security Council,*

*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

*Reiterating its determination* to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Protection Force for an additional period terminating on 5 October 1993;

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<sup>610</sup> S/26525.

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

**Decision** of 4 October 1993 (3286<sup>th</sup> meeting): resolution 871 (1993)

At its 3286<sup>th</sup> meeting, on 4 October 1993, the Council included the item entitled: “United Nations Protection Force: further report of the Secretary-General pursuant to Security Council resolution 743 (1992) (S/26470 and Add.1”. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council’s provisional rules of procedure. The President (Brazil) then drew the attention of the Council members to the text of a draft resolution<sup>611</sup> that had been prepared in the course of the Council’s prior consultations and to several other documents<sup>612</sup>, including a letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council, transmitting a letter of the same date from the Minister for Foreign Affairs addressed to the President of the Security Council. In that letter, the Minister outlined certain measures which his Government insisted should be an essential part of the future of UNPROFOR’s presence on the territory of Croatia. If such measures were not incorporated in the Council’s resolution concerning the extension of the UNPROFOR mandate, Croatia would consider the mandate terminated and would request the withdrawal of all UNPROFOR contingents by 30 November 1993.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 871 (1993). The resolution reads as follows:

*The Security Council,*

*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

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<sup>611</sup> S/26518.

<sup>612</sup> S/S/26464, letter dated 17 September 1993 from the Chargé d’affaires a.i. of Yugoslavia addressed to the Secretary-General; S/26468, letter dated 19 September 1993 from the Secretary-General addressed to the President of the Security Council; S/26491, letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council; and S/26517, letter dated 30 September 1993 from the representatives of China, France, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General, transmitting the text of the statement issued on 30 September 1993 by the Ministers of Foreign Affairs of the five permanent members of the Security Council following a meeting with the Secretary-General.

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

*Having considered* the report of the Secretary-General of 20 September 1993,

*Having also considered* the letter of the Minister for Foreign Affairs of the Republic of Croatia dated 24 September 1993,

*Deeply concerned* that the United Nations peace-keeping plan for the Republic of Croatia, and all relevant Council resolutions, in particular resolution 769 (1992) of 7 August 1992, have not yet been fully implemented,

*Reiterating its determination* to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 20 September 1993, in particular paragraph 16 thereof;

2. *Notes* the intention of the Secretary-General to establish, as described in his report, three subordinate commands within the United Nations Protection Force - UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia) - while retaining the existing dispositions in all other respects for the direction and conduct of the United Nations operation in the territory of the former Yugoslavia;

3. *Condemns once again* continuing military attacks within the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina, and reaffirms its commitment to ensure respect for the sovereignty and territorial integrity of Croatia, of Bosnia and Herzegovina and of the former Yugoslav Republic of Macedonia, where the Force is deployed;

4. *Reaffirms* the crucial importance of the full and prompt implementation of the United Nations peace-keeping plan for the Republic of Croatia, including the provisions of the plan concerning the demilitarization of the United Nations Protected Areas, and calls upon the signatories of that plan and all others concerned, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in its full implementation;

5. *Declares* that continued non-cooperation in the implementation of the relevant resolutions of the Security Council or external interference, in respect of the full implementation of the United Nations peace-keeping plan for the Republic of Croatia, would have serious consequences, and in this connection affirms that full normalization of the



international community's position towards those concerned will take into account their actions in implementing all relevant Council resolutions, including those relating to the peace-keeping plan for Croatia;

6. *Calls* for an immediate cease-fire agreement between the Government of Croatia and the local Serb authorities in the Protected Areas, mediated under the auspices of the International Conference on the Former Yugoslavia, and urges them to cooperate fully and unconditionally in its implementation, as well as in the implementation of all the relevant Council resolutions;

7. *Stresses* the importance it attaches, as a first step towards the implementation of the United Nations peace-keeping plan for the Republic of Croatia, to the process of restoration of the authority of the Republic of Croatia in the pink zones, and in this context calls for the revival of the Joint Commission established under the chairmanship of the United Nations Protection Force;

8. *Urges* all the parties and others concerned to cooperate with the Force in reaching and implementing an agreement on confidence-building measures including the restoration of electricity, water and communications in all regions of Croatia, and stresses in this context the importance it attaches to the opening of the railroad between Zagreb and Split, the highway between Zagreb and Zupanja, and the Adriatic oil pipeline, securing the uninterrupted traffic across the Maslenica strait, and restoring the supply of electricity and water to all regions of Croatia including the Protected Areas;

9. *Authorizes* the Force, in carrying out its mandate in Croatia, acting in self-defence, to take the necessary measures, including the use of force, to ensure its security and its freedom of movement;

10. *Decides* to continue to review urgently the extension of close air support to the Force in the territory of Croatia as recommended by the Secretary-General in his report of 20 September 1993;

11. *Decides* in this context to extend the mandate of the Force for an additional period terminating on 31 March 1994;

12. *Requests* the Secretary-General to report two months after the adoption of the present resolution on progress towards implementation of the United Nations peace-keeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider the mandate of the Force in the light of that report;

13. *Also requests* the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of the Force's mandate;

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

Speaking after the vote, the representative of France noted that it had not been easy to negotiate the resolution just adopted, for it had not been a “routine” extension of the mandate of UNPROFOR. The Council had had to take into account the concerns of the parties, as well as new operational needs. It had attempted to respond to Croatia’s requests, without running the risk of promising more than it could deliver. He contended that the resolution established a balance between the legitimate concerns of the Croatian Government and the means available to the Council and UNPROFOR. His delegation understood that the Council would be able to take action the following week on the Secretary-General’s proposal to extend close air support in Bosnia and Herzegovina to UNPROFOR’s operations in Croatia.<sup>613</sup>

The representative of the United States stated that her delegation considered the extension of UNPROFOR’s mandate essential to the international community’s efforts to minimize the conflict in the former Yugoslavia, prevent it from spreading, provide humanitarian relief and, most important, facilitate negotiated solutions to all aspects of the conflict. She also observed that, although much attention had been focused on the operations of UNPROFOR in Croatia, it was important to emphasize that UNPROFOR’s mandate and the effects of its extension applied with equal importance to Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. What was important also was to look to the future and begin the difficult work of implementing the Vance plan in good faith. Before concluding, she observed that, while UNPROFOR (Croatia) would become one of the subordinate commands within the integrated command structure of UNPROFOR as a whole, the resolution just adopted established no precedent for the command and control arrangements for any peacekeeping force that might be led by NATO in order to implement a peace agreement in Bosnia.<sup>614</sup>

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<sup>613</sup> S/PV.3286, pp. 5-6.

<sup>614</sup> *Ibid.*, pp. 6-7.

The representative of China noted that the consent of the parties was a precondition to the deployment of United Nations peacekeeping operations and the extension of their mandates. Since the Croatian Government had agreed to the extension of the mandate, the Chinese delegation had voted in favour of the resolution just adopted. The speaker further stated that China was not in favour of invoking Chapter VII of the Charter in peacekeeping operations, nor was it in favour of using sanctions as a means to resolve conflicts. His delegation therefore had reservations on certain elements in the resolution. In addition, prudence should be exercised with regard to the extension of air support to UNPROFOR in Croatia, so as to avoid further complicating the matter and adversely affecting the political settlement process.<sup>615</sup>

The representative of Hungary stated that his delegation had voted in favour of the resolution just adopted because it wished to maintain UNPROFOR operations on the territory of Croatia and to do everything possible to prevent a resurgence of armed hostilities along its southern borders. Hungary gave its full support to the resolution because it reflected the special problems facing Croatia and the region. It hoped that the resolution might help to create the necessary conditions for a peaceful settlement of all disputes on the basis of respect for the principles of territorial integrity and the rights of ethnic communities.<sup>616</sup>

The representative of the Russian Federation stated that UNPROFOR was playing a particularly important role in stabilizing the situation and creating conditions for the implementation of agreements that remained to be signed. He cautioned that withdrawing United Nations forces from Croatia, could have “catastrophic consequences”, leading to an escalation of the entire conflict in the former Yugoslavia. He also noted that, pursuant to the resolution just adopted, the Council would continue to review urgently the question of extending close air support to UNPROFOR in Croatia. The Russian delegation understood that the mechanism for such an extension would be the same as that provided

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<sup>615</sup> *Ibid.*, pp. 7-9.

<sup>616</sup> *Ibid.*, pp. 10-11.

for in resolution 836 (1993). It was also important that an agreement be reached on confidence-building measures, which could be promoted by restoring water and electricity supplies and communications, and by satisfying other economic needs of the people.<sup>617</sup>

**Decision** of 17 December 1993: letter from the President to the Secretary-General

On 1 December 1993, pursuant to resolution 871 (1993), the Secretary-General submitted to the Council a report<sup>618</sup> on progress towards implementation of the United Nations peacekeeping plan for Croatia and all relevant Security Council resolutions, as well as on the outcome of talks within the framework of ICFY.

The Secretary-General reported that a series of talks, chaired by the ICFY, had been held between the parties during November 1993. The aims of the talks had been to discuss a cease-fire, economic reconstruction and political questions. While some progress had been made towards a cease-fire and in identifying economic matters of mutual interest, both sides had requested modifications to the proposed cease-fire agreement. In the meantime, they had agreed to establish a military Joint Commission to work on outstanding areas of dispute in relation to the lines of separation that would be used once the cease-fire was implemented.

The Secretary-General observed that the various initiatives<sup>619</sup> that were under way, could pave the way for implementation of the peace-keeping plan. Progress was slow and was quickly halted if one side attacked territory held by the other. He did not recommend reconsideration by the Council of UNPROFOR's mandate. However, it was essential that the two sides intensify their efforts for the achievement of a cease-fire agreement, for the institution of practical measures of economic cooperation and for the negotiation of a lasting political settlement.<sup>620</sup>

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<sup>617</sup> *Ibid.*, pp. 22-25.

<sup>618</sup> S/26828.

<sup>619</sup> The report mentioned President Tudjman's "Peace Initiative" (S/26681, appendix), which addressed the situations in the UN protected areas and in Bosnia, and future cooperation in the area of the former Yugoslavia.

<sup>620</sup> The Secretary-General's observations were contained in paragraph 16 of the report, which was referred to in the subsequent letter addressed to him from the President of the Security Council.

By a letter<sup>621</sup> dated 17 December 1993, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council have taken note of your report of 1 December 1993 submitted pursuant to Security Council resolution 871 (1993), in the light of which they have completed the review provided for in paragraph 12 of that resolution.

“They share the observations contained in paragraph 16 of this report regarding the mandate of the United Nations Protection Force.”

**Decision** of 31 March 1994 (3356<sup>th</sup> meeting): resolution 908 (1994)

On 11 March 1994, pursuant to resolution 900 (1994), the Secretary-General submitted to the Council a report<sup>622</sup> on UNPROFOR.

The Secretary-General noted that the situation in Bosnia and Herzegovina was undergoing rapid changes, which had provided a multitude of new opportunities to make significant progress towards a peaceful settlement. The significant developments that had taken place during the reporting period included the active and direct involvement of major powers in the negotiation process and the signature of a cease-fire agreement, on 23 February in Zagreb, between the Army of Bosnia and Herzegovina and the Croatian Defence Council (HVO). In addition, the signing on 1 March 1994 of the Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croatian Population, and the Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and that Federation had opened new avenues for a political settlement.

Given that fluid situation, the Secretary-General could only provide an outline of the major concepts and requirements of UNPROFOR.<sup>623</sup> The Secretary-General also commented on the utility of extending the concept of safe areas to Mostar, Vitez and Maglaj. While he did not believe there was a need to apply the protection defined in

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<sup>621</sup> S/26890.

<sup>622</sup> S/1994/291 and Corr.1 and Add.1.

<sup>623</sup> For details see Section II of the report of the Secretary-General. Section II was subsequently endorsed by the Council in resolution 908 (1994), operative paragraph 11.

resolutions 824 (1993) and 836 (1993) to Mostar and Vitez where the cease-fire prevailed, he was of the opinion that, in view of the continuing hostilities in and around Maglaj, there may be a merit in extending the safe area concept to this city.

The Secretary-General further observed that the recent developments in Bosnia had created a new situation, which should provide numerous opportunities for UNPROFOR to make substantial progress in the implementation of the mandates entrusted to it. At that critical juncture, however, UNPROFOR's ability was severely limited by the lack of military resources. He therefore recommended that the Council consider increasing the authorized strength of UNPROFOR to 8,250 additional troops. Should the Council decide to extend the safe area concept to Maglaj, an additional 1,500 troops would be required.

On 16 March 1994, pursuant to resolution 871 (1993), the Secretary-General submitted to the Council a report<sup>624</sup> containing a comprehensive review of UNPROFOR's role and functioning.

The Secretary-General observed that the dilemma confronting the international community as the expiry of UNPROFOR's current mandate approached, was whether to consider that the limited successes of UNPROFOR continued to justify the United Nations enormous expenditure of resources and lives or whether the Force's ability to implement all the tasks assigned to it warrant an end to, or reduction of, its efforts. Another option would be to redefine its mandates commensurate with the resources the international community was prepared to make available to UNPROFOR. However, he did not believe that at that stage extensive redefinition was advisable. As he had previously pointed out to the Council, the choice in Croatia was between continuing a mission that was clearly unable to fulfil its original mandate in full or withdrawing and risking a renewed war that would probably result in appeals for UNPROFOR to return to restore peace. Given such a choice, soldiering on in hope seemed preferable to withdrawing in abdication. In Bosnia and Herzegovina, the continued deployment of UNPROFOR would serve a three-pronged strategy: (a) to use military means for

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<sup>624</sup> S/1994/300.

humanitarian purposes; (b) to seek to end the conflict itself by creating conditions favourable to diplomatic negotiations on a political settlement; and (c) to provide a capacity to help the parties to implement agreements resulting from the diplomatic negotiations. Since the demilitarization of Sarajevo in February 1994, the military means of the international community were being used more directly to serve its diplomatic objectives. That offered new grounds for hope for an overall solution.

The Secretary-General therefore recommended the renewal of UNPROFOR's mandate for a further 12 months beyond 31 March 1994. That period was proposed in the interest of efficiency, although he would be prepared, should the situation on the ground improve, to recommend reducing the duration of the Force's mandate. He also recommended that authority for close air support be extended to the territory of Croatia.

On 24 March 1994, pursuant to resolutions 844 (1993), 836 (1993) and 776 (1992), the Secretary-General submitted to the Council a report<sup>625</sup> containing his plans to direct UNPROFOR to reopen Tuzla airport for the delivery of humanitarian supplies and related purposes.

The Secretary-General noted that the opening of Tuzla airport had been repeatedly requested by the Tuzla authorities since the spring of 1993. While the Bosnian Serb authorities on the ground had not previously raised objections to the opening of the airport under United Nations control, Dr. Karadzic, at a meeting on 18 November 1993 with the United Nations had refused to permit its opening prior to the conclusion of an overall settlement, stating his strong fear of possible misuse of the airport for military purposes. That same position was repeated on several other occasions. Given the increasing humanitarian need, the Secretary-General had requested UNPROFOR to draw up a detailed plan for the opening of Tuzla airport. That plan described three scenarios based on varying degrees of consent of the parties. The Special Representative of the Secretary-General had been liaising with the parties to open the airport with their consent. On 6 March, Dr. Karadzic had agreed to the opening of the airport in Tuzla for humanitarian purposes under United Nations control, on certain conditions which were rejected by the other party. The

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<sup>625</sup> S/1994/333 and Add.1.

Secretary-General, however, believed that the opening of Tuzla airport for UNPROFOR purposes was now feasible, and that humanitarian flights would be possible before long. His Special Representative was therefore continuing intensive negotiations with the parties in order to achieve an agreement which would govern the modalities of the full-fledged reopening of the airport. He also outlined the additional resources that would be required in order to support UNPROFOR's activities at Tuzla airport.<sup>626</sup> He further noted that, as the opening of Tuzla airport was being pursued for the purpose of improving the capability to deliver humanitarian assistance, the activity would fall within the existing mandate given by Council resolutions 836 (1993) and 844 (1994). However, in light of the political importance of such an action and of the need for additional resources to ensure the safe operation of the airport, he believed that the explicit approval and support of the Security Council was required. He therefore recommended that the Council approve UNPROFOR's plans for the opening of Tuzla airport for humanitarian purposes, as well as the additional resources requested for that purpose.

By a letter<sup>627</sup> dated 30 March 1994 addressed to the President of the Security Council, the Secretary-General informed the Council of the conclusion on 29 March 1994 in Zagreb of a cease-fire agreement between the Croatian Government and the local Serb authorities in the UNPAs, which copy of it was attached to the letter as an annex. He noted that the implementation of the cease-fire agreement would involve, *inter alia*: interpositioning UNPROFOR forces in a zone of separation; establishing additional control points, observation posts and patrols; and monitoring the withdrawal of heavy weapons out of range of the contact line. He suggested that the Council might wish to welcome that development and to authorize UNPROFOR to perform the functions called for in the agreement. He also noted that UNPROFOR would require additional military resources in order to undertake those tasks, and he recommended that the Council authorize the provision of those additional resources.

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<sup>626</sup> The Secretary-General's observations relating to the additional resource requirements were contained in paragraph 14 of the report, which was subsequently approved by the Council in resolution 908 (1994), operative paragraph 5. An estimate of the costs for the additional requirements was submitted as an addendum to the report.

<sup>627</sup> S/1994/367.



At its 3356<sup>th</sup> meeting, on 31 March 1994, the Council included the above reports and the letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the Council members to the text of a draft resolution<sup>628</sup> that had been prepared in the course of the Council's prior consultations and to several other documents<sup>629</sup>, including a letter<sup>630</sup> dated 16 March addressed to the Secretary-General, transmitting a letter of the same date from the President of Croatia to the Secretary-General, in which he agreed to the extension of UNPROFOR's mandate and enclosed a series of goals and actions which he considered to be necessary for the success of the renewed mandate.

Speaking before the vote, the representative of Pakistan stated that his delegation, along with other members of the Non-Aligned Movement in the Council, had favoured the designation of Maglaj as a safe area, and regretted that it had not found the support of all members in the Council. His delegation, however, would support the draft resolution before the Council. He added that the international community must demonstrate its resolve to arrive at a just and lasting solution to the crisis in Bosnia and Herzegovina by taking all appropriate measures to reverse the consequences of aggression against that country. The lands seized by the use of force and "ethnic cleansing" must be returned. The sovereignty, territorial integrity and political independence of Bosnia and Herzegovina must be restored and respected.<sup>631</sup>

The representative of the Czech Republic questioned the Secretary-General's suggestion that 1,500 additional troops would be required to turn Maglaj into a safe area,

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<sup>628</sup> S/1994/359.

<sup>629</sup> S/1994/302 and 336, letters dated 15 and 23 March 1994, respectively, from the representative of Bulgaria addressed to the President of the Security Council; S/1994/305 and Corr.1, letter dated 16 March 1994 from the representative of Croatia addressed to the Secretary-General; S/1994/328, letter dated 22 March 1994 from the representative of Greece addressed to the President of the Security Council; S/1994/330, letter dated 22 March 1994 from the Secretary-General addressed to the President of the Security Council; S/1994/331, letter dated 23 March 1994 from the President of the Security Council addressed to the Secretary-General; and S/1994/350, letter dated 25 March 1994 from the Chargé d'affaires a.i. of Yugoslavia addressed to the President of the Security Council.

<sup>630</sup> S/1994/305 and Corr.1.

<sup>631</sup> *Ibid.*, pp. 3-5.

when Srebrenica and Zepa had been granted the status of safe areas with far fewer troops than that. He contended that experience had shown that declaring an area safe contributed, in and of itself, to the safety of the area, whether or not it was truly safe from the military point of view. His delegation could not but regret that some of the energy the Council devoted to the almost moot issue of Maglaj had not been spent on what appeared to be an even worse situation in Banjaluka. The city had been in the hands of ethnic Serbs for some time now and “ethnic cleansing” continued unabated there.<sup>632</sup>

The draft resolution was then put to the vote and it was adopted unanimously as resolution 908 (1994). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflicts in the territory of the Former Yugoslavia, and reaffirming in this context its resolution 871 (1993) of 4 October 1993 on the mandate of the United Nations Protection Force,

*Having considered* the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994,

*Having considered also* the letter dated 16 March 1994 from the President of the Republic of Croatia addressed to the Secretary-General,

*Emphasizing* the need for a negotiated settlement accepted by all parties, and welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

*Welcoming also* the cease-fire agreement between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and the signature of the Washington Framework Agreement of 1 March 1994 between the Government of the Republic of Bosnia and Herzegovina and the Government of the Republic of Croatia and the Bosnian Croat party, as steps towards an overall settlement,

*Underlining* the importance of involving the Bosnian Serb party in further efforts to achieve an overall negotiated settlement,

*Welcoming* the cease-fire agreement signed on 29 March 1994 between the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas, which was

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<sup>632</sup> *Ibid.*, pp. 5-6.

facilitated by the Russian Federation, the United States of America, the European Union and the International Conference on the Former Yugoslavia,

*Welcoming also* the discussions between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to the joint statement of 19 January 1994,

*Welcoming further* the recent significant progress achieved in and around Sarajevo, and stressing that a strong and visible presence of the Force in this area, as well as in other areas of the Republic of Bosnia and Herzegovina and the Republic of Croatia, within the framework of its mandate, is essential to consolidate such progress,

*Recalling* the statement by the President of the Security Council of 14 March 1994 and the joint letter of Bosnia and Herzegovina and Croatia dated 17 March 1994, and in this context taking note of the recent developments in Maglaj,

*Determined* to put an end to the suffering of the civilian population in and around Maglaj,

*Welcoming* the ongoing efforts aimed at the reopening of the Tuzla airport for humanitarian purposes,

*Welcoming also* the work undertaken by the joint civil mission to Sarajevo of the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America,

*Welcoming further* the dispatch of the European Union fact-finding mission to Mostar with a view to helping improve living conditions in that city and contributing to the implementation of the agreements between the parties on it,

*Reiterating its determination* to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

A

1. *Welcomes* the reports of the Secretary-General of 11 March, 16 March and 24 March, and his letter dated 30 March 1994;

2. *Reaffirms its commitment* to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia, the Republic of Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia, where the United Nations Protection Force is deployed;

3. *Decides* to extend the mandate of the Force for an additional period terminating on 30 September 1994;

4. *Recognizes* the need, following recent progress, for increased resources for the Force, described in the reports of the Secretary-General of 11 and 16 March 1994 and his letter dated 30 March 1994, decides, as an initial step, to authorize an increase of Force personnel by up to 3,500 additional troops, and also decides to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General in the above-mentioned documents, with a view to providing the Force with the means necessary for the implementation of its mandate;

5. *Approves* the Force's plans, described in the report of the Secretary-General of 24 March 1994, for the reopening of the Tuzla airport for humanitarian purposes, and authorizes additional resources requested in paragraph 14 of that report for these purposes;

6. *Calls upon* Member States to assist the Secretary-General to implement paragraphs 4 and 5 above by contributing personnel, equipment and training;

7. *Urges* that necessary arrangements be concluded, including, where appropriate, agreements on the status of forces and other personnel with the Republic of Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

8. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures to extend close air support to the territory of the Republic of Croatia, in defence of Force personnel in the performance of the Force's mandate, as recommended by the Secretary-General in paragraph 12 of his report of 16 March 1994;

9. *Urges* the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas to comply with the cease-fire agreement signed on 29 March 1994, and welcomes the efforts undertaken by the Force towards implementing this agreement;

10. *Also urges* all the parties and others concerned to cooperate with the Force in reaching and implementing an agreement on confidence-building measures in all regions of the Republic of Croatia including the United Nations Protected Areas, further urges the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas, *inter alia*, to revive the Joint Commission process with regard to communication links and economic issues, and recognizes in this context the importance of the immediate reopening of

the Adriatic oil pipeline for the economies of the Republic of Croatia and of the other countries in the region;

11. *Endorses* the proposals in section II of the report of the Secretary-General of 11 March 1994, on arrangements relating to the cease-fire and ensuring the freedom of movement in and around Sarajevo, including the additional tasks set out in paragraph 14 thereof, emphasizes the need for the Force to deploy its resources in a flexible manner, in particular in and around the safe areas, and authorizes the Force to carry out these tasks in relation to the cease-fire entered into by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and, following a report by the Secretary-General and within existing resources, in relation to any further cease-fire agreed between the parties in Bosnia and Herzegovina in pursuit of the peace process;

12. *Encourages* the Special Representative of the Secretary-General for the Former Yugoslavia, in cooperation with the authorities of the Former Yugoslav Republic of Macedonia, to use his good offices, as appropriate, to contribute to the maintenance of peace and stability in that Republic;

13. *Urges* the parties to seize the opportunity provided by the Force's continuation to bring the peace process to a successful conclusion;

14. *Requests* the Secretary-General to keep it regularly informed on progress towards implementation of the United Nations peace-keeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Government of the Republic of Croatia, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider the mandate of the Force at any time according to the developments on the ground and in the negotiations;

## B

15. *Welcomes* the appointment by the Secretary-General of a senior civilian official for the restoration of essential public services in and around Sarajevo in accordance with the provisions of resolution 900 (1994) of 4 March 1994;

16. *Commends* in this context the setting up of the Interim Coordination Board to assess the situation in Sarajevo in order to facilitate the task of this senior official;

17. *Welcomes* the establishment by the Secretary-General on 21 March 1994 of a voluntary trust fund for the restoration of essential public services in and around Sarajevo, in accordance with the provisions of resolution 900 (1994), and strongly appeals to the international community to make voluntary financial contributions to this trust fund;

18. *Notes with appreciation* the steps being taken by the Secretary-General, the Force and other United Nations agencies and humanitarian organizations to restore normal life to all areas of the Republic of Bosnia and Herzegovina, encourages them to continue their efforts, and in this context requests the Secretary-General to consider ways and means of further enhancing the work of the civilian component of the Force;

19. *Calls on* the parties to honour their commitments to ensure the Office of the United Nations High Commissioner for Refugees and the Force unimpeded access throughout the Republic of Bosnia and Herzegovina in performance of their mandate, and in particular calls upon the Bosnian Croat party to release infrastructure equipment and material urgently needed for humanitarian relief;

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20. *Welcomes* the presence of Force personnel and the arrival of humanitarian convoys in Maglaj, but expresses once again its deep concern at the situation there;

21. *Welcomes also* the contribution of the Force, within its available resources, to the restoration of safety and security to the area in and around Maglaj in order to promote the well-being of its inhabitants;

22. *Demands* that the Bosnian Serb party cease forthwith all military operations against the town of Maglaj and remove all obstacles to free access to it, condemns all such obstacles, and calls upon all parties to show restraint;

23. *Takes note* of the assessment by the Secretary-General of the feasibility of extending the safe area concept to Maglaj, and requests him to keep the situation under review and to report to the Council as appropriate;

#### D

24. *Requests* the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of the Force's mandate;

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

Speaking after the vote, the representative of the United Kingdom stated that the implementation of confidence-building measures in the UNPAs referred to in the resolution and the revival of the joint-commission process were steps which should be

taken quickly, paving the way for a final settlement involving autonomy for the Serbs within the existing borders of Croatia. His delegation welcomed the increase in UNPROFOR's strength provided for in the resolution just adopted, which would allow those additional personnel already available from Member States to be deployed immediately. It also welcomed the resolution's authorization of additional personnel for the reopening of Tuzla airport. The speaker cautioned, however, that further reinforcement of UNPROFOR would be needed if the cease-fires in central Bosnia and Croatia were to be implemented fully. He also argued that tasks could not be added indefinitely if the necessary resources were not available. His Government would have been prepared to join in authorizing all the additional personnel requested by the Secretary-General. In the following month the Council would need to act on the balance of those requests, for delay would put at risk the achievements of UNPROFOR.<sup>633</sup>

The representative of the United States stated that his Government had consistently supported, and continued to support, UNPROFOR which had been called on to provide vital missions in the Former Republic of Yugoslavia. In recent weeks there had been many encouraging developments in Bosnia-Herzegovia, and rapidly expanding challenges that had taxed UNPROFOR's resources to the limit. The United States agreed with the members of the Council that UNPROFOR must have the necessary resources to meet these challenges. In the context of the resolution just adopted, his Government's concern had been to ensure that the financial resources were available to sustain that vital operation. The resolution stated that the Council would review, within one month, the question of UNPROFOR's requirements. During that month, the United States Government would be considering the question seriously and urgently, for peacekeeping was so important that the international community must do its best to regularize the way it provided the money to support those operations. The speaker also commended the Council's authorization of close air support for UNPROFOR troops operating in Croatia,

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<sup>633</sup> *Ibid.*, pp. 8-9.

and pointed out that NATO implementation would require the agreement of the North Atlantic Council, which he was confident would be forthcoming.<sup>634</sup>

The representative of China noted that the Council's approval of a further enlargement of UNPROFOR and an extension of its mandate reflected the hope that UNPROFOR's presence would create favourable conditions for an early and comprehensive political settlement. He reiterated the position of his country on questions related to UNPROFOR. First, the sovereignty of Croatia and Bosnia and Herzegovina, as well as other countries in the region, should be fully respected. Secondly, China was not in favour of the use or threat of force, nor the invocation of Chapter VII in the peacekeeping operations of UNPROFOR. It therefore retained reservations on the invocations of Chapter VII in the resolution just adopted. At the same time, however, it had noted that the resolution specified certain limitations concerning that issue. Thirdly, in relation to the extension of close air support to UNPROFOR's operations in Croatia, such air support should only be used to ensure the safety of UNPROFOR personnel in the performance of its mandate and for self-defence, rather than for punitive purposes. Fourthly, the settlement of the conflict in the former Yugoslavia could only be achieved by the people of that region themselves. Lastly, the difficulties faced by UNPROFOR with regard to manpower and financial resources needed to be removed, although the deployment of UNPROFOR troops should be undertaken in a flexible manner, according to the degree of urgency in each specific situation.<sup>635</sup>

The representative of the Russian Federation stated that, while favouring the continuation of UNPROFOR, his delegation believed that UNPROFOR's efforts should be directed towards the essential purpose for which it was established, paying particular attention to the priority tasks highlighted in paragraph 50 of the Secretary-General's report of 16 March, and taking into account the need to adopt a rational attitude towards the limited resources available to the United Nations. Noting that the United Nations had been faced with new tasks, his delegation believed that those tasks should be performed

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<sup>634</sup> *Ibid.*, p. 9.

<sup>635</sup> *Ibid.*, pp. 10-11.



strictly in accordance with, and in the framework of, the existing mandate of UNPROFOR. If, however, it was felt necessary either to amend or expand the mandate, that would require an additional decision to be taken by the Security Council. The Russian Federation also supported the extension of close air support to Croatia. At the same time, it also supported the search for ways and means of achieving maximum cooperation between the United Nations and NATO, because it believed that deploying air forces in support of United Nations personnel should be carried out, as indicated in the relevant resolutions, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR.<sup>636</sup>

The President, speaking in his capacity as the representative of France, stated that his delegation was particularly pleased with those aspects of the resolution which unambiguously strengthened the Council's commitment to approve all the reinforcements requested by the Secretary-General, for both Bosnia and Croatia, by the end of April. Actions must now proceed in two directions. The international community must consolidate what had been achieved on the ground, with UNPROFOR backing the parties' will to make peace and, in that regard, UNPROFOR could never be used to protect territorial gains. On the diplomatic level, discussions on the territorial questions would soon have to resume and in that respect, the European Union's plan seemed to be the only basis for a possible agreement.<sup>637</sup>

**Decision** of 27 April 1994 (3369<sup>th</sup> meeting): resolution 914 (1994)

At its 3369<sup>th</sup> meeting, on 27 April 1994, the Council included the reports of the Secretary-General of 11, 16 and 24 March, as well as the Secretary-General's letter dated 30 March 1994 in its agenda. 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 (New Zealand) then drew the attention

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<sup>636</sup> *Ibid.*, pp. 11-12.

<sup>637</sup> *Ibid.*, pp. 13-14.

of the Council members to the text of a draft resolution<sup>638</sup> submitted by France, the Russian Federation, Spain and the United Kingdom.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 914 (1994). The resolution reads as follows:

*The Security Council,*

*Reaffirming* its resolutions 908 (1994) of 31 March 1994 and 913 (1994) of 22 April 1994,

*Having considered* the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994,

*Determined* to strengthen the operations of the United Nations Protection Force in fulfilment of its mandate,

*Reiterating its determination* to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes once again* the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994;

2. *Decides* to authorize, as recommended by the Secretary-General in the above-mentioned documents, an increase of United Nations Protection Force personnel by up to 6,550 additional troops, 150 military observers and 275 civilian police monitors, in addition to the reinforcement already approved in resolution 908 (1994);

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

Speaking after the vote, the representative of France welcomed the fact that the Council had granted UNPROFOR the reinforcements requested by the Secretary-General while stressing that the decision should have come at the end of March when the Force's mandate had been extended. France could only regret that delay unjustifiable in view of the situation on the ground. The Council, from a political standpoint, had not reflected the clear determination which the circumstances had required nor had it shown the support which UNPROFOR had a right to expect from it at a time when, faced with a constant

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<sup>638</sup> S/1994/487.

shortage of personnel, they were given additional missions in an increasingly dangerous environment. As the increases in personnel had been authorized, Member States now needed to respond to the earnest requests of the Secretariat.<sup>639</sup>

The representative of the United Kingdom stated that the Council's decision reaffirmed its support for UNPROFOR and signalled its determination to bring about a cessation of hostilities and a peaceful negotiated settlement in that country. He recalled that, at its previous meeting on Bosnia, on 21 April, the Council had adopted resolution 913 (1994), condemning the attacks by Bosnian Serb forces on Gorazde, demanding their withdrawal, and calling for an end to the hostilities. In parallel, the United Nations and NATO had made it clear that force would be used if those elements were not complied with. Thanks to the determination of UNPROFOR and NATO, the immediate threat in Gorazde had ended. The United Kingdom called upon all parties to cooperate fully with UNPROFOR and other United Nations and relief personnel working in Gorazde. The speaker warned that the Bosnian Serbs should not forget that the terms of the North Atlantic Council's recent decisions remained in force, and that they applied to attacks against or threats to the other safe areas. His Government was giving its full support to efforts to bring more closely together the diplomatic activity of the United Nations, the European Union, the United States and the Russian Federation, including the action taken through the establishment of a Contact Group.<sup>640</sup>

**Decision** of 11 August 1994 (3416<sup>th</sup> meeting): statement by the President

By a letter<sup>641</sup> dated 26 July 1994 addressed to the President of the Security Council, the Secretary-General reported that serious difficulties had arisen for UNPROFOR operations in Croatia, as a result of blockades being implemented by demonstrators against all UNPROFOR traffic into the UNPAs. The blockades had severely undermined UNPROFOR's ability to monitor the 29 March Cease-Fire

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<sup>639</sup> S/PV.3369, pp. 2-3.

<sup>640</sup> *Ibid.*, p. 3.

<sup>641</sup> S/1994/888.

Agreement, resulting in an increased number of violations of that Agreement and causing rising tensions within the zone of separation. The blockades were also preventing UNPROFOR from performing its other basic tasks. The Special Representative of the Secretary-General had met with officials from the Croatian Government to impress upon them the Government's responsibility to ensure that UNPROFOR's work was not impeded. He had informed them that the Force had clear evidence of the participation of Croatian police in several of the blockades, rendering the Government in violation of aspects of the Cease-Fire Agreement. While the Government might not have been fully in control of the demonstrators, it was undeniably responsible for ensuring that their actions did not prevent UNPROFOR from carrying out its mandate. The Secretary-General warned that if the situation were not rectified UNPROFOR would not be able to function in pursuance of its mandates and he recommended that the Council call upon the Croatian Government to fulfil its obligations to UNPROFOR and end the blockade.

At its 3416<sup>th</sup> meeting, on 11 August 1994, the Council included the above letter in its agenda. Following the adoption of the agenda, the President (Russian Federation) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>642</sup> on behalf of the Council:

"The Security Council is deeply concerned by the letter from the Secretary-General dated 26 July 1994 and by further reports from the Secretariat of continuing difficulties that have arisen for the operations of the United Nations Protection Force in Croatia owing to blockades of Force traffic into the United Nations Protected Areas by demonstrators. The Council considers that such blockades by Croatian citizens as well as related impediments imposed by the Croatian authorities on the freedom of movement of the Force are inadmissible. In that context the Council deplores the remaining blockades of access roads to the United Nations Protected Areas in the Republic of Croatia.

"The Council is encouraged by the signing on 4 August 1994 of an agreement between the Government of the Republic of Croatia and the United Nations Protection Force regarding the procedures regulating Force traffic to and from the United Nations Protected Areas, and calls on the Croatian authorities to implement its provisions faithfully. The Council welcomes the progress that has been made since the signature of this agreement to open

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<sup>642</sup> S/PRST/1994/44.

eleven of nineteen crossing points. However, the Council reminds the Government of the Republic of Croatia of its obligation to facilitate the unimpeded access of the Force to all nineteen crossing points agreed upon in the cease-fire agreement of 29 March 1994.

"In this context the Council is also concerned about the continuing unacceptable practice of the Government of the Republic of Croatia of levying tolls and other taxes on the Force for the use of roads and airports in the Republic of Croatia. The Council strongly disapproves of any action that would both impede the functioning of the Force and add to the already high cost of the peace-keeping operation in Croatia. Recalling paragraph 7 of its resolution 908 (1994) of 31 March 1994, the Council again urges the Government of the Republic of Croatia to conclude without further delay a status-of-forces agreement with the United Nations Protection Force and to resolve the above and any other issues in accordance with the provisions of that agreement.

"The Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Croatia and the right of all displaced persons and refugees to return to their homes. The Council expects the Government of the Republic of Croatia to cooperate fully with the efforts of the Force."

**Decision** of 30 September 1994 (3434<sup>th</sup> meeting): resolution 947 (1994)

On 9 May 1994, pursuant to resolutions 836 (1993) and 844 (1993), the Secretary-General submitted to the Council a report<sup>643</sup> to inform the Council of the results achieved and lessons learned in the implementation of the safe areas concept in Bosnia and Herzegovina, as well as to propose some improvements in the short term. .

The Secretary-General noted that the existing approach to safe areas required reworking. In his view, the successful implementation of the safe area concept required the acceptance of three overriding principles: (a) the intention of safe areas was primarily to protect people and not to defend territory; (b) the method of execution of the safe area task should not detract from, but rather enhance, UNPROFOR's original mandates, namely supporting humanitarian assistance and contributing to the overall peace process through the implementation of cease-fires and local disengagements; and (c) the mandate must take into account UNPROFOR's resource limitations.

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<sup>643</sup> S/1994/555.

The Secretary-General did not believe that extending the safe area concept to other parts of Bosnia and Herzegovina would be advisable. While reaffirming the Council's commitments in relation to existing safe areas, he believed that sources of tension elsewhere in the Republic needed to be dealt with by other measures, including local cease-fires and modest deployments of UNPROFOR observers. In addition to the arrangements already in place for protection of safe areas it was necessary that: (a) UNPROFOR's mission in the safe areas be clearly defined; (b) the safe areas be clearly delineated; (c) the safe areas be respected; and (d) complete freedom of movement, on a "notification basis" be ensured for the provision of humanitarian aid to safe areas. While safe areas could be made more effective and manageable, they did not in themselves represent a long-term solution to the conflict in Bosnia and Herzegovina. Rather, the safe area concept should be viewed as a temporary mechanism by which some vulnerable populations could be protected pending a comprehensive negotiated political settlement. The Secretary-General therefore recommended that the Security Council approve the statement of UNPROFOR's mission in relation to the safe areas, authorize UNPROFOR to promulgate precise boundaries for those areas and approve the arrangements outlined in his report.

On 17 September 1994, pursuant to resolution 908 (1994), the Secretary-General submitted to the Council a report<sup>644</sup> intended to assist the Council in its deliberations on the renewal of UNPROFOR's mandate.

The Secretary-General noted that the conflicts in the former Yugoslavia were closely interrelated and had a direct impact on UNPROFOR's operations in Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. In that context, the work of the Contact Group which involved five major Powers working with the Co-Chairmen of the Steering Committee of the ICFY, could be of great significance for UNPROFOR's future.

With regard to Croatia, the Secretary-General outlined four problem areas in UNPROFOR's mandate which required assessment: the demilitarization of the UNPAs;

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<sup>644</sup> S/1994/1067 and Add.1.

the restoration of Croatian authority in the “pink zones”; the establishment of border controls; and assistance for the return of refugees and displaced persons. All four required either enforcement or the consent of both parties for their implementation. UNPROFOR had neither the means nor the mandate for enforcement action of that nature and the cooperation of the parties had been elusive.

The Secretary-General further noted that progress in Croatia had been slow and had proved insufficient to moderate Croatian impatience for a quick solution to the problem of reintegration of the UNPAs into Croatia. Assistance in the creation of conditions that would permit the voluntary return of displaced persons to their homes in or near the UNPAs continued to be of the highest priority for UNPROFOR and discussions were taking place among UNHCR, UNPROFOR and both parties on the implementation of a pilot project for voluntary return to a few selected villages in or near the zone of separation.<sup>645</sup>

In considering the various options for UNPROFOR’s presence in Croatia, the Secretary-General was aware that the situation on the ground could be frozen in a stalemate in which UNPROFOR’s continued presence contributed only to the maintenance of an unsatisfactory status quo. In the current circumstances, however, it was very important to secure continued respect for the cease-fire agreement. At the same time, further efforts would have to be made for the reopening of negotiations. These tasks would require the continued presence of UNPROFOR in Croatia.

With regard to Bosnia and Herzegovina, experience gained over the last six months had enhanced mutual understanding, joint planning and cooperation between UNPROFOR and NATO, and the successful deployment of long-awaited additional forces had enabled UNPROFOR to improve its ability to seize opportunities for progress. Nevertheless, the possibility of a further exacerbation and intensification of the conflict in Bosnia and Herzegovina had highlighted UNPROFOR’s limitations, and underlined a number of areas of concern. The Secretary-General acknowledged that some Member States might believe that the international community’s strategy of deploying

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<sup>645</sup> The Secretary-General’s comments relating to the return of refugees and displaced persons appeared in paragraph 39 of the report, to which the Council subsequently referred in resolution 947 (1994), operative paragraph 13.

peacekeeping operations only upon the active cooperation of the parties was no longer adequate to serve the objectives proclaimed in the Council's resolutions. He warned, however, that the use of disincentives would change the nature of the United Nations presence in the area, entailing unacceptable risks to UNPROFOR. The result would be a fundamental shift from the logic of peacekeeping to the logic of war and would require the withdrawal of UNPROFOR from Bosnia and Herzegovina. The Secretary-General had therefore directed that plans be made for a potential withdrawal at short notice. Any consideration of decisions leading to the withdrawal of UNPROFOR had, however, to be weighed against the tasks that were currently being implemented successfully by UNPROFOR and in the absence of an overall political settlement acceptable to all the parties. He did not, therefore, recommend the withdrawal of the Force at that time. He did recommend, however, that due to the continued harassment of minorities in Bosnia and Herzegovina, particularly by the Bosnian Serbs, the Security Council might consider providing UNPROFOR with a more comprehensive, uniform UNCIVPOL mandate throughout the territory of Bosnia and Herzegovina, similar to that already mandated for Croatia.

The Secretary-General also recommended the renewal of UNPROFOR mandate for a further period of six months. He further suggested that the Council might wish to endorse the Force's activities in relation to mine-clearing in Bosnia and Herzegovina, and support the acquisition of a small number of protected vehicles for uses in areas of mine hazard. He also recommended that the Council endorse UNPROFOR's public information policy and programmes, including the establishment of an independent radio station to provide the population within the mission area access to impartial, factual and timely information, thereby increasing public understanding and support for UNPROFOR's "peace-making" efforts in the former Yugoslavia.

At its 3434<sup>th</sup> meeting, on 30 September 1994, the Council included the report of the Secretary-General of 17 September 1994 in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address the Council in the course of its



consideration of the item. The President (Spain) then drew the attention of the Council members to the text of a draft resolution<sup>646</sup>, submitted by France, Spain and the United Kingdom, and read out some revisions that had been made to the draft in its provisional form. He also drew the attention of the Council members to several other documents.<sup>647</sup>

At the same meeting, the representative of Bosnia and Herzegovina outlined two reflections with respect to the renewal of UNPROFOR's mandate. First, every Security Council resolution mandating UNPROFOR had reflected the commitment of the Council to the territorial integrity and sovereignty of Bosnia and Herzegovina. Secondly, although some might wish to characterize UNPROFOR as a peacekeeping mission, its mandate was more complex. Within the mandate there was no reference to peacekeeping, while there was reference to specific assignments calling for "necessary measures" and appropriate responses to attacks on civilian safe areas and violations of humanitarian standards. The speaker contended that, in that context, any threats directed at Bosnia and Herzegovina and its defence forces exercising the responsibility of defending its civilians and its territorial integrity and sovereignty must be viewed as contrary to the word and spirit of the relevant Security Council resolutions. He argued that the mandate should not be redefined, but rather that if there was a "practical incapacity to execute the original mandate", then additional resources should be provided or the mandate must be terminated. It was necessary to re-establish the clear objectives of the UNPROFOR mandate.<sup>648</sup>

The representative of Croatia stated that his Government remained bound by the decision of the Croatian parliament on the UNPROFOR mandate and it welcomed the elements of that decision which had been incorporated in the draft resolution, especially in respect of the "pink zones", the border monitors and the pilot project for the return of displaced persons to their homes in the occupied areas. His delegation believed that the

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<sup>646</sup> S/1994/1120.

<sup>647</sup> S/1994/1045 and 1108, letters dated 9 and 28 September 1994, respectively, from the Chargé d'affaires a.i. of Yugoslavia addressed to the Secretary-General; S/1994/1058 and 1095, letters dated 15 and 26 September 1994, respectively, from the representative of Croatia addressed to the President of the Security Council; and S/1994/1062, letter dated 16 September 1994 from the representative of Croatia addressed to the Secretary-General.

<sup>648</sup> S/PV.3434, pp. 2-3.

draft resolution pointed the solution-seeking process in the right direction and it hoped that the Contact Group and the United Nations would immediately begin to pursue measures consistent with the letter and spirit of the draft resolution so that the relevant parties would not be compelled to consider a new UNPROFOR mandate after 100 days. It also emphasized that the decision to accept the new UNPROFOR mandate in Croatia had been made with the view that the Contact Group would immediately commence work on the comprehensive reintegration plan for Croatia, which would provide local autonomy in pre-war Serbian majority areas in Croatia, with the same acceptance/rejection measures that should be applied to the Federal Republic of Yugoslavia (Serbia and Montenegro) and its “proxies” in Knin. It further underlined the importance of the mutual recognition of existing borders between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) as the next step for the Contact Group’s activities. Before concluding, the speaker expressed regret that the Federal Republic of Yugoslavia (Serbia and Montenegro) had been permitted to address the Council. His Government had taken the position that the UNPROFOR mandate only applied to the territories of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, and that the Federal Republic of Yugoslavia (Serbia and Montenegro) did not therefore possess any special status in relation to the UNPROFOR issue.<sup>649</sup>

Mr. Jovanovic stated that the Federal Republic of Yugoslavia considered that the conditions for terminating the UNPROFOR peace operation had not yet been created and that its continued presence in the protected areas was necessary until an overall political solution was reached. UNPROFOR’s presence in the protected areas had been of vital importance for the protection of the Serbian civilian population of Krajina. He contended that the question of extending UNPROFOR’s mandate should be viewed apart from the search for a political solution to the crisis. The extension of UNPROFOR’s mandate and the protection of the Serbian population could not be used by one side as an instrument for exerting political pressure in the negotiating process. On the contrary, the presence of UNPROFOR was a precondition for facilitating a political solution. His delegation fully

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<sup>649</sup> *Ibid.*, pp. 3-4.

agreed with the Secretary-General's assessment that resort to a military option would have incalculable consequences. It also shared the Secretary-General view that not all efforts towards the peaceful resolution of the conflict had yet been exhausted. The Federal Republic of Yugoslavia was convinced that a three-phase policy was the only way to achieve peace. Building on the results of the cease-fire, negotiations should be speedily resumed on confidence-building measures and the re-establishment of economic relations and infrastructure, which would enable the Vance Plan to be realized. The speaker further stated that the Federal Republic of Yugoslavia had given its full support to the Contact Group's plan and had tried to convince the Bosnian Serb leadership to accept it. He hinted that a clear-cut, written agreement by the Contact Group that the Bosnian Serbs should have the equal right to establish confederal ties with the Federal Republic of Yugoslavia would open the door for the Bosnian Serbs to agree to the Contact Group. Turning to the draft resolution before the Council, he expressed regret that it contained certain provisions which, he contended, dealt with issues that should not have been addressed in a "technical resolution" on the extension of UNPROFOR's mandate. In that respect, he referred in particular to the third and fifth preambular paragraphs, as well as to operative paragraphs 4, 5, 6, 10, 11, 13 and 14. He further contended that the provisions of operative paragraph 14 attempted to impose political solutions which were in "flagrant contravention" of the Vance Plan, as the Vance Plan provided that the political status of the protected areas should be resolved only after all of the Plan's provisions had been implemented.<sup>650</sup>

The draft resolution was then put to the vote, as orally revised in its provisional form, and it was adopted unanimously as resolution 947 (1994). The resolution reads as follows:

*The Security Council,*  
*Recalling* all its previous relevant resolutions on the conflicts in the territory of the Former Yugoslavia, and reaffirming in this context its resolution 908 (1994) of 31 March 1994, on the mandate of the United Nations Protection Force,

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<sup>650</sup> *Ibid.*, pp. 4-6.

*Having considered* the reports of the Secretary-General of 9 May and 17 September 1994,

*Affirming 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 stressing the importance it attaches to the mutual recognition thereof,

*Welcoming* the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

*Welcoming also* the efforts of Member States in the context of the Contact Group, and emphasizing the utmost importance of the work of the Contact Group and its role in the overall peace process in the area,

*Recognizing* that the major provisions of the United Nations peace-keeping plan for the Republic of Croatia and relevant Security Council resolutions, in particular resolution 871 (1993) of 4 October 1993, still remain to be implemented,

*Stressing* that the Force plays an essential role in preventing and containing hostilities and thus creating the conditions for achieving an overall political settlement,

*Paying tribute* to the Force personnel in the performance of the mandate of the Force, in particular in assisting the delivery of humanitarian assistance and monitoring the cease-fires,

*Reiterating its determination* to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 17 September 1994, and approves the proposals therein concerning the activities of the United Nations Protection Force in relation to mine clearance, public information and civilian police;

2. *Decides* to extend the mandate of the Force for an additional period terminating on 31 March 1995;

3. *Urges* all the parties and others concerned to cooperate with the Force in carrying out its mandate, to refrain from any hostile and provocative acts against Force personnel, and to ensure their security and their freedom of movement;

4. *Requests* the Secretary-General to report no later than 20 January 1995 on progress towards the implementation of the United Nations peace-keeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the

Croatian Government, and decides to reconsider the mandate of the Force in the light of that report;

5. *Also requests* the Secretary-General, in the light of resolution 871 (1993), to include in that report information on progress towards (a) opening the road and railway communications with the United Nations Protected Areas and the rest of the Republic of Croatia, (b) establishing the water and electricity supply in all regions of Croatia for the mutual benefit of all its citizens, and (c) opening the Adriatic pipeline;

6. *Invites* the Secretary-General to update his report submitted pursuant to Security Council resolution 838 (1993) of 10 June 1993 and to expand it as appropriate to cover other areas where the Force is deployed;

7. *Affirms* the right of all displaced persons to return voluntarily to their homes of origin in safety and dignity with the assistance of the international community;

8. *Reaffirms its support* for the established principle that all statements or commitments made under duress, particularly those regarding land and ownership, are null and void;

9. *Calls on* all parties and others concerned fully to comply with all Security Council resolutions regarding the situation in the Former Yugoslavia and concerning in particular the Force in Croatia, to create the conditions that would facilitate the full implementation of its mandate;

10. *Expresses its concern* that the necessary arrangements, including, where appropriate, agreements on the status of forces and other personnel, have not yet been concluded by the Republic of Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls upon them to conclude such arrangements without delay;

11. *Requests* the Secretary-General to keep the Council regularly informed on progress with regard to the implementation of the mandate of the Force, and to report, as necessary, on any developments on the ground and other circumstances affecting the mandate of the Force;

12. *Urges* the Bosnian Serb party fully to respect the territorial integrity of the Republic of Croatia and to refrain from any actions that are threatening its security;

13. *Also urges* that the pilot project described in paragraph 39 of the report of the Secretary-General of 17 September 1994 be put into effect as soon as possible;

14. *Declares* that the restoration of the authority of the Republic of Croatia in the "pink zones", to the extent that it is compatible with the 29 March 1994 cease-fire agreement, must be accomplished under the close supervision of the Force, and in such a manner as to avoid any further destabilization of the region;

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

Speaking after the vote, the representative of France contended that without UNPROFOR there would have been increased suffering for the civilian population, increased movements of refugees and irreversible developments on the ground that would have confronted the international community with an insoluble problem. While acknowledging that more could have been done, he pointed out that UNPROFOR had neither the mandate nor the military means to impose peace. The speaker further stated that UNPROFOR had reached a turning point in its history. Either a dynamic for peace would gain strength in the coming weeks, or, on the contrary hope of a negotiated settlement would fade, and then decisions would inevitably have to be taken involving the withdrawal of UNPROFOR. Thus that was undoubtedly the last time that the Council would be extending UNPROFOR's mandate in a routine manner. In the next stage, which would be crucial, UNPROFOR would have to strive to ensure strict implementation of the Council's decisions, particularly those concerning safe areas. That might imply the use of force, if necessary, especially to ensure respect for the exclusion zones. The French Government therefore hoped that explicit instructions along those lines would be issued to the leaders of the Force.<sup>651</sup>

The representative of the Russian Federation stated that his delegation supported the resolution just adopted because it believed that UNPROFOR was playing an extremely important role in efforts to settle the conflicts in the former Yugoslavia. He cautioned that everything needed to be done to ensure that UNPROFOR did not become a party to the conflict or a "hostage" to the forces participating in it. He emphasized that UNPROFOR's effectiveness depended to a large extent on the good will of the parties. In Croatia, it was clear that the unimpeded fulfilment by the Force of its mandate in the UNPAs was the most important prerequisite for the implementation of the Vance plan. Russia also attached particular importance to the continued efforts of the countries of the Contact Group to develop their cooperation with the Security Council. It was important to

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<sup>651</sup> *Ibid.*, pp. 6-7.

increase pressure on all parties to promote a comprehensive peace settlement. Such a settlement should be based on a territorial arrangement and on constitutional principles placing all parties on an equal footing.<sup>652</sup>

The representative of New Zealand welcomed the Council's decision to extend UNPROFOR's mandate for a further six months. He cautioned, however, that if UNPROFOR were to continue to be supported, the status quo could not be continued. He therefore urged the parties to reinvigorate the progress towards implementation of the peace plan. Recalling that the Council had adopted the previous week a series of measures, the speaker noted that those measures needed to be followed up with further specific steps. First, there should be early recognition of Bosnia and Herzegovina and Croatia. Secondly, there needed to be firm and united resolve on the part of UNPROFOR and NATO to use force where warranted for the protection of the safe areas and the enforcement of the exclusion zones. Thirdly, the "strangulation" of Sarajevo must cease. Fourthly, the progressive withdrawal of the Bosnian Serbs to positions consistent with the territorial settlement proposal should be pursued. The speaker also observed that the resolution just adopted was less specific than his delegation would have liked on the question of the mutual recognition of international boundaries in the region of the former Yugoslavia. He emphasized that it was the view of his delegation that mutual recognition should be the starting point for the overall settlement of the conflict in the former Yugoslavia.<sup>653</sup>

The representative of the United States observed that, in Bosnia, the most important development had been the Contact Group's presentation of its territorial proposal to the parties. Unfortunately, while the Bosnian Federation had accepted the proposal, the Bosnian Serbs had not. The United States would continue to demand that the Bosnian Serbs accept the proposal, which represented the best opportunity for a just and equitable settlement to the conflict. Just a week earlier, with its adoption of a resolution tightening sanctions against the Bosnian Serbs, the Council had reminded the

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<sup>652</sup> *Ibid.*, p. 8.

<sup>653</sup> *Ibid.*, pp. 8-9.

Bosnian Serbs that their continuing “obstinacy” was incurring substantial costs. In respect of the situation in Croatia, the United States Government strongly supported the basic precept, reflected in the resolution just adopted, that a settlement of the conflict must be in conformity with Croatia’s sovereignty and territorial integrity. The speaker also expressed her Government’s concern at the increasing violations of the exclusion zones, as well as its commitment to their strict enforcement. She expressed confidence that, should strict enforcement continue to be necessary, UNPROFOR would work closely with NATO to ensure that the intent of the Council to protect the safe areas was carried out. Before concluding, she noted that the resolution just adopted lay upon the parties – and her Government interpreted that to refer especially to the Serb party – the responsibility to create the conditions that would allow UNPROFOR to fulfil its mandate.<sup>654</sup>

**Decisions** of 31 March 1995 (3512<sup>th</sup> meeting): resolutions 981 (1995), 982 (1995) and 983 (1995)

On 22 March 1995, pursuant to resolution 947 (1994), the Secretary-General submitted to the Council a report<sup>655</sup> on UNPROFOR. The report was intended, in conjunction with the report of the Secretary-General dated 14 January 1995, to assist the Council in its consideration of the mandate of UNPROFOR. It contained an overview of the UNPROFOR’s activities of the Force, as well as the Secretary-General’s proposals for its future mandate.

The Secretary-General recalled that in his interim report of 14 January 1995, he had noted that, despite the earlier inability of UNPROFOR to fulfil important parts of its mandate under the United Nations peace-keeping plan in Croatia, the successful implementation of the cease-fire agreement of 29 March 1994 and the conclusion of the economic agreement on 2 December 1994 had been positive steps towards confidence-building and reconciliation. He had expressed disappointment that the potential for success through the three-step approach-cessation of hostilities, economic normalization

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<sup>654</sup> *Ibid.*, pp. 9-10.

<sup>655</sup> S/1995/222 and Corr.1 and 2.



and political negotiations- had not been fully explored before the Croatian Government's decision on 12 January 1995 to withdraw its support for UNPROFOR's continuing role. The Secretary-General therefore welcomed the announcement<sup>656</sup> on 12 March 1995 by Croatia's President that he had agreed to UNPROFOR's retention. The maintenance of a reduced force in Croatia under a new mandate thus seemed the only way to reduce the risks of a renewed major war, while permitting continued progress in implementing the economic agreement and beginning political negotiations. He had instructed his Special Envoy to conduct negotiations with the parties on the mandate of a future United Nations peace-keeping force in Croatia. The gulf between the positions of the Government of Croatia and the Krajina Serb authorities on the role and functions of the new force remained wide. Further negotiations were necessary. The Secretary-General was, however, able to report the basis could be established for agreement that the mandate should include the following: (a) support for the implementation of the cease-fire agreement of 29 March 1994; (b) support for the implementation of the economic agreement of 2 December 1994; and (c) implementation of these elements of the existing United Nations peacekeeping plan for Croatia that were accepted by both parties as having continuing relevance. In addition to that "core mandate", the new force would continue to perform functions arising from the accord on the Prevlaka peninsula and from relevant resolutions of the Security Council, such as monitoring the "no-fly zone" and the extension of close air support in Croatia.

Concerning Bosnia and Herzegovina, the Secretary-General observed that UNPROFOR's inability to deter attacks on Bihac had brought to the fore some of the key issues addressed in previous reports on the concept of safe areas. Until the Council was able to provide clear guidance on those matters, it was unlikely that the commitment of the parties or UNPROFOR's performance in the safe areas would improve, and there was a danger that situations such as that in Bihac would recur. The Secretary-General further

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<sup>656</sup> In the announcement the President of Croatia stated that his country would seek to negotiate a new mandate for an international presence in Croatia that would: (a) control the international borders between Croatia and the FRY and between Croatia and Bosnia and Herzegovina; (b) control access and communications for UNPROFOR and other international humanitarian operations to Bosnia through territory not under the control of Croatia; and (c) facilitate the continued implementation of existing and future Agreements and the relevant Security Council and General Assembly resolutions. In the meantime, the Government of Croatia agreed to the continuation of the current force.

noted that the current impasse on the Contact Group's proposal had created a vacuum in which the Force had little or no political context for the pursuit of local initiatives, and the parties had little or no incentive to cooperate. He appealed to the members of the contact Group to renew their efforts to fill the current vacuum.

Regarding the former Yugoslav Republic of Macedonia, the Secretary-General suggested that the Council might wish to call, in the context of Article 50 of the Charter, for increased international economic support to be provided to the former Yugoslav Republic of Macedonia.

The Secretary-General further reported that the Governments of Bosnia and Herzegovina, Croatia and the Former Yugoslav Republic of Macedonia, had expressed the wish that the United Nations in their countries should be separate from UNPROFOR. He therefore proposed that UNPROFOR be replaced by three separate, but interlinked, peace-keeping operations: United Nations Peace Force – One (UNPF-1) in Croatia, UNPF-2 in Bosnia and Herzegovina, and UNPF-3 in the Former Yugoslav Republic of Macedonia.<sup>657</sup>

The Secretary-General accordingly recommended that the Security Council approve the following: (a) the restructuring of UNPROFOR into three forces, each with a mandate extending to 30 November 1995; (b) the negotiation, on the basis of the elements previously identified, of a new mandate and functions for UNPF-1, which would be significantly smaller than the existing UNPROFOR strength in Croatia. [The mandate would come into effect as soon as the Council approved a report from him, containing the recommended mandate, undertakings by the two parties to cooperate in its implementation, and confirmation of the conclusion of a status-of-forces agreement with the Croatian Government]; (c) the conversion of UNPROFOR in Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia into UNPF-2 and UNPF-3, respectively, with the same responsibilities and composition as UNPROFOR had possessed in those Republics; (d) appeals to the respective Governments to conclude status-of-forces agreements with the United Nations and to grant it suitable broadcasting

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<sup>657</sup> These proposals were outlined in paragraph 84 of the report, which was subsequently endorsed by the Council in: resolution 981 (1995), operative paragraphs 1, 2; resolution 982 (1995), operative paragraph 1; resolution 983 (1995), operative paragraph 1.

facilities<sup>658</sup>; and (e) the transfer to the three United Nations Peace Forces of the applicability of all relevant Security Council resolutions relating to the functioning of UNPROFOR in the territories of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, respectively.

At its 3512<sup>th</sup> meeting, on 31 March 1995, the Council included the above report in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and the Former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. The President (China) then drew the attention of the Council members to the text of three draft resolutions<sup>659</sup> submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States, as well as to several other documents.<sup>660</sup>

The representative of Bosnia and Herzegovina charged that UNPROFOR had become a “substitute for real peacemaking” in his country. After three years of that imposed role, UNPROFOR must be judged a failure. Moreover, those behind the strategy of “usurping” UNPROFOR for the purpose of substituting it for peacemaking must be judged guilty also of allowing aggression and genocide to continue, of endangering international peace and security, and of betraying their responsibilities to the United Nations. He further contended that UNPROFOR’s limited success in providing humanitarian assistance was gradually eroding and that UNPROFOR’s mission was actually being brought into contradiction with efforts to bring about peace. For that reason, the delegation of Bosnia and Herzegovina had requested that UNPROFOR’s

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<sup>658</sup> The appeal to facilitate suitable radio and television broadcasts for the United Nations was contained in paragraphs 47 to 51 of the report. The appeal was subsequently endorsed by the Council in: resolution 981 (1995), operative paragraph 12; resolution 982 (1995), operative paragraph 10.

<sup>659</sup> S/1995/242, 243 and 244.

<sup>660</sup> S/1995/214, letter dated 22 March 1995 from the Chargé d’affaires a.i. of Yugoslavia addressed to the President of the Security Council; S/1995/216, S/1995/227, and S/1995/245, letters dated 22, 28 and 29 March 1995 from the representative of Bosnia and Herzegovina addressed to the Secretary-General; S/1995/221, S/1995/223, S/1995/229, and S/1995/232, letters dated 22, 27, 28 and 29 March 1995 from the representative of Croatia addressed to the Secretary-General; S/1995/236, letter dated 29 March 1995 from the representative of the former Yugoslav Republic of Macedonia addressed to the Secretary-General; and S/1995/246, letter dated 30 March 1995 from the representative of Croatia, transmitting the text of a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia addressed to the President of the Security Council.

mandate be comprehensively reviewed. The modalities and a time-frame must be established for that review. Most important, the review should incorporate the contributions of the Security Council, of the troop contributors, of interested regional organizations and Member States. Referring to the situation in and around Sarajevo, the speaker argued that the “Blue Route” must be placed under United Nations protection, the Sarajevo airport access routes must be freed of roadblocks, and Sarajevo citizens must be liberated from snipers. Those requests were not new, nor did they require fresh Security Council action; authority already existed for such steps. All that was needed was the will to carry out that existing authority.

Referring to the report of the Secretary-General, the speaker requested that modalities be established to prevent further violations of Bosnia and Herzegovina’s territorial integrity and sovereignty by the Krajina Serbs, and he noted that Bosnia and Herzegovina supported Croatia’s efforts to have those borders sealed. He also argued that the international arms embargo restricted Bosnia and Herzegovina’s capacity for self-defence, making it even more dependent upon the international community’s responsibility for preserving international peace and security.<sup>661</sup>

The representative of Croatia stated that UNPROFOR had contributed positively by keeping relative peace in Croatia and had given the international community time to establish a political framework and binding legal decisions that would assist in reintegrating the occupied territories and their residents into Croatia peacefully and in a manner consistent with Croatia’s sovereignty and territorial integrity. But its mission had fallen short because of the uncompromising resistance of the local Croatian Serbs and Belgrade. His Government emphasized that it had an exclusive right of veto in the upcoming negotiations over the operational definitions for the new arrangements within its sovereign territory granted by the Charter and the relevant resolutions. Croatia disputed the Vance plan *per se* as a legal basis for the new arrangement but remained committed to the unfulfilled humanitarian elements of the Vance plan.

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<sup>661</sup> S/PV.3512, pp. 2-5.

His Government welcomed the draft resolution, which not only recognized Croatia's sovereignty over its occupied territories and defined its international borders, but also called for control and demarcation of those borders. The draft resolution gave the United Nations ample legal ground to control the relevant borders of Croatia. Croatia also attached the utmost importance to paragraph 3 (d), which should be thoroughly planned and effectively executed. It believed that a peaceful settlement in Croatia was possible only if that paragraph was strictly implemented. The border mechanism could be made effective by undertaking measures beyond those expressed in the Vance plan and by imposing punitive measures against violators, in the form of sanctions. He noted, in that regard, that the Council had already established in resolution 871 (1993) that the sanctions régime imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro) could be linked to developments in the occupied territories in Croatia.

Croatia also welcomed operative paragraph 5 of the draft resolution, which stated that the final political solution in regard to the rights of the Croatian Serb minority must be consistent with the territorial integrity and sovereignty of Croatia. That paragraph, along with the third and fourth preambular paragraphs, confirmed and supported the territorial integrity of Croatia in its internationally recognized borders. Croatia hoped that both Knin and Belgrade would understand that message and would finally accept that the only way to achieve a solution to the problem of the occupied territories was for Belgrade to recognize Croatia and for Knin to permit the peaceful reintegration of the occupied territories into the legal and administrative systems of Croatia. The speaker expressed the concern of his delegation that the draft resolution did not give enough consideration to the right of displaced persons and refugees to return to their homes. His delegation hoped that the upcoming report of the Secretary-General might mitigate those concerns.<sup>662</sup>

Speaking before the votes on the draft resolutions, the representative of Indonesia stated that Croatia's sovereignty and territorial integrity could not be compromised. That must also remain a guiding principle for the United Nations presence in Croatia and in Bosnia and Herzegovina. In relation to the new UNCRO, he stressed the importance of

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<sup>662</sup> *Ibid.*, pp. 5-8.

controlling the manner in which military personnel, equipment, supplies and weapons crossed the international borders between Croatia and Bosnia and Herzegovina, and between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). He also emphasized that the troop strength of UNCRO should be sufficient not only to implement the operation's mandate, but also to serve a deterrent function. Another important element of UNCRO's mandate was facilitating the delivery of humanitarian assistance to Bosnia and Herzegovina through Croatian territory. In relation to the operations in Bosnia and Herzegovina, the speaker noted that his delegation wished to draw attention to the past discrepancies between UNPROFOR's mandate and its implementation, and to emphasize the importance of effective implementation. In that connection, his delegation emphasized the importance of the tenth preambular paragraph of the draft resolution (S/1995/243) on the need for Member States to take appropriate steps to enhance UNPROFOR's capacity to execute its mandate.<sup>663</sup>

The representative of Germany pointed out that the fact that a new mandate for the presence of the United Nations had become necessary was, in his delegation's view, a consequence of the obstructive attitude of the Croatian Serbs toward the United Nations peace-keeping plan for Croatia. Also the Serbian refusal to implement the Vance plan had become a major problem for UNPROFOR in Croatia. The speaker welcomed the decision of the Croatian President to agree to a continued but modified presence of the United Nations. Germany shared the view of the Secretary-General that a three-phase process of negotiations – cease-fire; implementation of the Economic Agreement; and political negotiations – was the only practical path to durable peace. It welcomed the fact that that was also the basic approach underlying the mandate of UNCRO. He expressed concern at the continued refusal of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to recognize Bosnia and Herzegovina and Croatia, which he suggested was effectively blocking the peace process. Finally, the speaker stressed that close cooperation between the three peacekeeping operations and NATO would be essential.<sup>664</sup>

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<sup>663</sup> *Ibid.*, pp. 9-10.

<sup>664</sup> *Ibid.*, pp. 11-13.

The representative of the Russian Federation stated that the adoption of a new mandate for the operation in Croatia was absolutely necessary, but was only a first step. The Secretary-General had work of the utmost importance to do on continuing the consultations on the implementation of the mandate and the modalities for the operation, all aspects of which had to be acceptable to both parties. The Croatian Government and local Serb authorities must demonstrate a constructive attitude to the discussions. Turning to the situation in Bosnia and Herzegovina, the speaker urged the parties to abide strictly by the agreements on a cease-fire and the cessation of hostilities and to cooperate with UNPROFOR in carrying out the provisions of those agreements. He also urged the Bosnian Serbs to accept the Contact Group plan. He contended that the flare-up of hostilities in Bosnia and Herzegovina was linked to the illegal supplies of arms to the region, which were hardening the positions of the parties and creating the impression that the conflict could be resolved by military means. There must be a “clamp-down” in implementing the arms embargo against all the Republics of the former Yugoslavia, established by resolution 713 (1991). The Security Council must pay greater attention to the issue and the Committee on sanctions should take up the problem of the violations of the embargo, as the Council had instructed it to do. The Russian Federation attached particular importance to the fact that the Security Council, in reorganizing UNPROFOR and establishing three independent peacekeeping operations, had taken the important decision to maintain a unified political and military command for the three operations.<sup>665</sup>

The first draft resolution was then put to the vote and adopted unanimously as resolution 981 (1995), which reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia,

*Having considered* the report of the Secretary-General of 22 March 1995,

*Affirming 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

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<sup>665</sup> *Ibid.*, pp. 18-20.

States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

*Reaffirming its commitment* to the independence, sovereignty and territorial integrity of the Republic of Croatia, including its rights and obligations in respect of control over its international trade,

*Welcoming* the continuing efforts of representatives of the United Nations, the European Union, the Russian Federation and the United States of America to facilitate a negotiated solution to the conflict in the Republic of Croatia, and reaffirming its call upon the Government of the Republic of Croatia and the local Serb authorities to enter into the negotiations, urgently and without preconditions, for such a settlement, making full use of the plan presented to them by those representatives,

*Recognizing* that major provisions of the United Nations peacekeeping plan for the Republic of Croatia remain to be implemented, in particular those regarding demilitarization of the areas under the control of the local Serb authorities, the return of all refugees and displaced persons to their homes and the establishment of local police forces to carry out their duties without discrimination against persons of any nationality in order to protect the human rights of all residents, and urging the parties to agree to their implementation,

*Recognizing also* that major provisions of relevant Security Council resolutions, in particular resolutions 871 (1993) of 4 October 1993 and 947 (1994) of 30 September 1994, still remain to be implemented,

*Noting* that the mandate of the United Nations Protection Force in the Republic of Croatia expires on 31 March 1995, in conformity with resolution 947 (1994),

*Noting also* the letter dated 17 March 1995 from the Permanent Representative of the Republic of Croatia to the United Nations regarding his Government's views on the establishment of a United Nations peacekeeping operation in the Republic of Croatia,

*Emphasizing* that improved observance of human rights, including appropriate international monitoring thereof, is an essential step towards restoration of confidence between the parties and building a durable peace,

*Reaffirming its determination* to ensure the security and freedom of movement of personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements in paragraph 84 thereof;



2. *Decides* to establish under its authority the United Nations Confidence Restoration Operation in Croatia, which shall be known as UNCRO, in accordance with paragraph 84 of the above-mentioned report, for a period terminating on 30 November 1995, and requests the Secretary-General to take the measures necessary to ensure its earliest possible deployment;

3. *Decides* that, in accordance with the report of the Secretary-General, and based on the United Nations peacekeeping plan for the Republic of Croatia, relevant resolutions of the Security Council, the ceasefire agreement of 29 March 1994 between the Republic of Croatia and the local Serb authorities and the economic agreement of 2 December 1994 concluded under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia, the mandate of UNCRO shall include:

(a) Performing fully the functions envisaged in the ceasefire agreement of 29 March 1994;

(b) Facilitating implementation of the economic agreement of 2 December 1994;

(c) Facilitating implementation of all relevant Security Council resolutions, including the functions identified in paragraph 72 of the above-mentioned report;

(d) Assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons, over the international borders between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO is responsible, as specified in the United Nations peacekeeping plan for the Republic of Croatia;

(e) Facilitating the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia;

(f) Monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992) of 6 October 1992;

4. *Requests* the Secretary-General to continue his consultations with all concerned on the detailed implementation of the mandate outlined in paragraph 3 above and to report to the Council not later than 21 April 1995 for its approval;

5. *Decides* that UNCRO shall be an interim arrangement to create the conditions that will facilitate a negotiated settlement consistent with the territorial integrity of the Republic of Croatia and guaranteeing the security and rights of all communities living in a particular area of the Republic of Croatia, irrespective of whether they constitute in this area a majority or minority;

6. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the United Nations Theatre Force Commander, using the existing procedures which have been agreed with the Secretary-General, all necessary measures to extend close air support to the territory of the Republic of Croatia in defence of UNCRO personnel in the performance of the UNCRO mandate, and requests the Secretary-General to continue to report to the Council on any use of close air support;

7. *Emphasizes* the responsibility of the parties and others concerned in the Republic of Croatia for the security and safety of UNCRO, and in this context demands that all parties and others concerned refrain from any acts of intimidation or violence against UNCRO;

8. *Calls upon* the Government of the Republic of Croatia and the local Serb authorities to refrain from the threat or use of force and to reaffirm their commitment to a peaceful resolution of their differences;

9. *Invites* the Secretary-General to report as appropriate and not less than every four months on progress towards a peaceful political settlement and the situation on the ground, including the ability of UNCRO to implement its mandate as described above, and undertakes in this connection to examine without delay any recommendations that the Secretary-General may make in his reports and adopt appropriate decisions;

10. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to UNCRO in the performance of its mandate;

11. *Stresses* the importance of the necessary arrangements, including agreements on the status of forces and other personnel, being concluded by the Republic of Croatia, calls upon it to agree to such arrangements without delay, and requests the Secretary-General to inform the Council of progress on this issue in the report mentioned in paragraph 4 above;

12. *Urges* the Government of the Republic of Croatia to provide suitable radio broadcasting frequencies and television broadcasting slots at no cost to the United Nations as described in paragraphs 47 to 51 of the report of the Secretary-General of 22 March 1995;

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

The second draft resolution was then put to the vote and adopted unanimously as resolution 982 (1995), which reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, and reaffirming in this context its resolution 947 (1994) of 30 September 1994 on the mandate of the United Nations Protection Force and subsequent relevant resolutions,

*Having considered* the report of the Secretary-General of 22 March 1995,

*Affirming 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 stressing the importance it attaches to the mutual recognition thereof,

*Reaffirming its commitment* to the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

*Welcoming* the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

*Welcoming also* the efforts of Member States, in particular those of the Contact Group, and emphasizing the utmost importance of the work of the Contact Group in the overall peace process in the area,

*Welcoming further* the acceptance by the Government of the Republic of Bosnia and Herzegovina of the Contact Group peace plan,

*Welcoming* the agreements between the Bosnian parties on a ceasefire and on the complete cessation of hostilities in the Republic of Bosnia and Herzegovina, concluded on 23 and 31 December 1994, and the essential role the United Nations Protection Force plays in implementation of these agreements, and stressing the importance it places thereupon,

*Wishing* to encourage the efforts of the United Nations Protection Force, as part of its activities to facilitate an overall settlement of the conflict in the Republic of Bosnia and Herzegovina and as detailed in paragraphs 30 to 32 of the above-mentioned report of the Secretary-General, to help the parties to implement the Washington agreements regarding the Federation of Bosnia and Herzegovina,

*Recognizing* the need for Member States to take appropriate steps to enhance the capacity of the United Nations Protection Force in the Republic of Bosnia and Herzegovina to execute its mandate as set out in the relevant resolutions of the Security Council, including providing the Secretary-General with all the resources authorized by previous resolutions of the Security Council,

*Reiterating* the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and pluri-religious centre,

and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo and to achieving an overall settlement, consistent with the Contact Group peace plan,

*Noting* that the United Nations Protection Force plays an essential role in preventing and containing hostilities, thus creating the conditions for achieving an overall political settlement, and paying tribute to all Force personnel, especially those who have given their lives for the cause of peace,

*Noting also* that the mandate of the United Nations Protection Force expires on 31 March 1995, in conformity with resolution 947 (1994),

*Noting further* the letter dated 29 March 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General,

*Noting* the letter dated 17 March 1995 from the Permanent Representative of the Republic of Croatia to the United Nations regarding his Government's views on the continued presence of the United Nations Protection Force in the Republic of Croatia,

*Paying tribute* to the United Nations Protection Force personnel in the performance of the mandate of the Force, in particular in assisting the delivery of humanitarian assistance and monitoring the ceasefires,

*Emphasizing* that improved observance of human rights, including appropriate international monitoring thereof, is an essential step towards restoration of confidence between the parties and building a durable peace,

*Reaffirming its determination* to ensure the security of the United Nations Protection Force and its freedom of movement for all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements contained in paragraph 84 thereof;

2. *Decides* to extend the mandate of the United Nations Protection Force in the Republic of Bosnia and Herzegovina for an additional period terminating on 30 November 1995, and further decides that all previous relevant resolutions relating to the Force shall continue to apply;

3. *Authorizes* the Secretary-General to redeploy before 30 June 1995 all United Nations Protection Force personnel and assets from the Republic of Croatia with the exception of

those whose continued presence in the Republic of Croatia is required for United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, or for the functions referred to in paragraphs 4 and 5 below;

4. *Decides* that the United Nations Protection Force shall continue to perform fully the functions envisaged in the implementation of the ceasefire agreement of 29 March 1994 and the economic agreement of 2 December 1994 between the Republic of Croatia and the local Serb authorities and all relevant Security Council resolutions, including the functions identified in paragraph 72 of the report of the Secretary-General of 22 March 1995, and to facilitate the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia until the effective deployment of UNCRO or 30 June 1995, whichever is sooner;

5. *Decides* that the United Nations Protection Force shall retain its existing support structures in the Republic of Croatia, including the operation of its headquarters;

6. *Emphasizes* the responsibility of the parties and others concerned in the Republic of Croatia and the Republic of Bosnia and Herzegovina for the security and safety of the United Nations Protection Force, and in this context demands that all parties and others concerned refrain from any acts of intimidation or violence against the Force;

7. *Reiterates* the importance it attaches to full compliance with the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina, calls upon them to agree to a further extension and implementation of these agreements beyond 30 April 1995 and to use that period to negotiate an overall peaceful settlement on the basis of the acceptance of the Contact Group peace plan as a starting point, and further calls upon the Bosnian Serb party to accept this;

8. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Protection Force in the performance of its mandate;

9. *Calls upon* all parties and others concerned to comply fully with all Security Council resolutions regarding the situation in the former Yugoslavia to create the conditions that would facilitate the full implementation of the mandate of the United Nations Protection Force;

10. *Notes with satisfaction* the progress made in the discussions between the Government of the Republic of Bosnia and Herzegovina and the United Nations referred to in paragraph 49 of the report of the Secretary-General of 22 March 1995, and urges the Government of the Republic of Bosnia and Herzegovina to provide suitable radio broadcasting frequencies and

television broadcasting slots at no cost to the United Nations for the purposes described in paragraphs 47 to 51 of that report;

11. *Requests* the Secretary-General to keep the Council regularly informed of progress with regard to the implementation of the mandate of the United Nations Protection Force and to report, as necessary, on any developments on the ground, the attitude of the parties and other circumstances affecting the mandate of the Force, and in particular to report within eight weeks of the adoption of the present resolution, taking into account, *inter alia*, the concerns raised by the members of the Council and issues raised by the Government of the Republic of Bosnia and Herzegovina;

12. *Urges* the Government of the Republic of Bosnia and Herzegovina to implement fully the provisions of the status-of-forces agreement of 15 May 1993 between that Government and the United Nations;

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

The third draft resolution was then put to the vote and adopted unanimously as resolution 983 (1995), which reads as follows:

*The Security Council,*

*Recalling* its resolution 795 (1992) of 11 December 1992 and all subsequent relevant resolutions,

*Affirming 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 stressing the importance it attaches to the mutual recognition thereof,

*Reaffirming its commitment* to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

*Recalling* its concern about possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory,

*Welcoming* the positive role played by the United Nations Protection Force in the former Yugoslav Republic of Macedonia, and paying tribute to the personnel of the Force in the performance of its mandate in the former Yugoslav Republic of Macedonia,

*Taking note* of the report of the Secretary-General of 22 March 1995,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular *approves* the arrangements contained in paragraph 84 thereof;

2. *Decides* that the United Nations Protection Force within the former Yugoslav Republic of Macedonia shall be known as the United Nations Preventive Deployment Force, with the mandate set out in paragraph 85 of the report of the Secretary-General of 22 March 1995, and that the mandate of the United Nations Preventive Deployment Force shall continue for a period terminating on 30 November 1995;

3. *Urges* the United Nations Preventive Deployment Force to continue the current cooperation between the United Nations Protection Force and the mission of the Organization for Security and Cooperation in Europe;

4. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Preventive Deployment Force in the performance of its mandate;

5. *Requests* the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate of the United Nations Preventive Deployment Force;

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

Speaking after the vote, the representative of the United States stated that the creation of the new force in Croatia underlined the Council's commitment to the sovereignty and territorial integrity of that country within its internationally recognized borders. His Government was concerned that goods were crossing those borders in violation of paragraph 12 of resolution 820 (1993), without Croatia's permission or knowledge. In Bosnia, his Government was concerned by the recent violations of the cease-fire. With regard to Bosnia and Herzegovina, the speaker noted that the presence of United Nations forces there was not an end in itself: to have meaning, it must contribute to political progress. Such progress was dependent, in turn, on the will of the parties. Here the responsibilities for failure rested on the Bosnian Serb party for its unwillingness to enter into negotiations on the basis of the Contact Group Plan. He stated that the changes to UNPROFOR acknowledged that the circumstances in the three countries differed and that specifically tailored mandates were required. At the same time, by retaining important links between the forces the Council was recognizing that tensions

and conflict in the region were closely connected and that the efficiency of the operations was essential.<sup>666</sup>

The representative of France stated that the resolution just adopted, in relation to the situation in Croatia, should permit UNCRO to carry out several essential missions: implementation of the Cease-Fire Agreement, the application of the Economic Agreement, and the monitoring of Croatia's international borders, which reflected the Council's concern that its sovereignty and territorial integrity be preserved. Keeping UNPROFOR in Bosnia and Herzegovina was not an end in itself. Its sole purpose was to facilitate the conclusion of a political settlement. Referring to the restructuring of UNPROFOR into three distinct operations, the speaker stated that his delegation was satisfied that the solution chosen preserved the unity of command and political leadership over the entire theatre, as well as the logistical and organizational interrelationship between the three Forces. His delegation believed that respect for that principle of unity strengthened both the security of the troops deployed and the means available to the United Nations. It emphasized that the theatre commander must continue to exercise full authority over all the Blue Helmets deployed throughout the territories of successor States to the former Yugoslavia. That meant that the civilian authorities under the Special Representative of the Secretary-General would not assume responsibilities within the chain of military command, and that the theatre commander would have full responsibility for the implementation of the three mandates entrusted to the United Nations forces.<sup>667</sup>

The representative of the United Kingdom noted that UNCRO would need to continue to monitor the cease-fire, which was vital to continued stability, and it would also need to facilitate the implementation of the Economic Agreement and monitor Croatia's internationally recognized borders. The United Kingdom remained fully committed to Croatia's sovereignty and territorial integrity. At the same time, it was essential that a satisfactory autonomous status and protection for individual rights be

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<sup>666</sup> *Ibid.*, pp. 20-22.

<sup>667</sup> *Ibid.*, pp. 22-23.



firmly established for the Krajina Serbs. The deployment of UNCRO would clear the way for further talks on economic normalization and on a political solution. In Bosnia, the United Kingdom appealed to all sides to show restraint and to cooperate with UNPROFOR in implementing the cessation-of-hostilities agreement, which should be extended in order to permit the political process to continue. The United Kingdom also urged the parties to respond constructively to the proposals of the Contact Group.<sup>668</sup>

The President, speaking in his capacity as the representative of China, reiterated China's position that the sovereignty and territorial integrity of the States of the region should be respected. Settlement of the conflict would ultimately depend on the peoples of the region themselves and must be achieved through peaceful means, with the United Nations peacekeeping operations playing only a complementary role. China hoped that the division of UNPROFOR into three parts, as proposed by the Secretary-General, would give further impetus to the political settlement process. For those reasons, the Chinese delegation had voted in favour of the three resolutions just adopted. The President stated that the United Nations peacekeeping operations should conform strictly to the purposes and principles of the Charter and should enjoy the consent and support of the parties concerned. He also reiterated China's reservations in relation to enforcement action and the use of force in peacekeeping operations under Chapter VII of the Charter.<sup>669</sup>

**Decision** of 16 June 1995 (3543<sup>rd</sup> meeting): resolution 998 (1995)

On 30 May 1995, pursuant to resolutions 982 (1995) and 987 (1995), the Secretary-General submitted to the Council a report<sup>670</sup> on UNPROFOR.

The Secretary-General reported that hostilities had intensified in and around Sarajevo, particularly after the expiry of the cessation-of-hostilities agreement on 1 May 1995, despite the persistent efforts of his Special Representative to obtain its renewal.

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<sup>668</sup> *Ibid.*, pp. 24-25.

<sup>669</sup> *Ibid.*, p. 28.

<sup>670</sup> S/1995/444.

That had led to the sustained use of heavy weapons by the two sides, increased civilian and UNPROFOR casualties and mounting calls for stricter enforcement of the exclusion zone. As previous measures had failed and as neither side had appeared ready to stop fighting, UNPROFOR had decided to use all available means to restore compliance with the Sarajevo agreement of February 1994. At the expiration of an ultimatum by UNPROFOR addressed to both parties, air strikes had taken place on 25 and 26 May 1995. Bosnian Serb forces had reacted by surrounding additional weapons collection points, taking United Nations military observers into custody and using a number of them as human shields and by cutting electricity to the city. A relative calm had eventually prevailed in Sarajevo at a high cost for UNPROFOR. The ability of UNPROFOR, however, to operate effectively throughout Bosnia-Herzegovina was seriously compromised.

The Secretary-General noted that UNPROFOR remained deployed in a war situation where there was no peace to keep. Its position was complicated by the fact that its original peacekeeping mandate, which could not be implemented without the cooperation of the parties, had gradually been enlarged to include elements of enforcement, which caused it to be seen as a party to the conflict. The safe-areas mandate, for instance, required it to cooperate and negotiate with a party upon whom it was also expected to call air strikes. Similarly, the United Nations had imposed sanctions upon one party, whilst at the same time sending out a Force that was obliged to work with the consent and cooperation of that party. The result was that Bosnian Serb leaders had largely withdrawn their consent and cooperation from UNPROFOR, declaring that they were applying their own “sanctions” to the United Nations in response to United Nations sanctions on them. As a result of those contradictions, UNPROFOR found itself in an intolerable predicament. Urgent measures needed to be taken to release the hostages, to adapt UNPROFOR’s mandate and its implementation to the political and operational realities on the ground and to relaunch the peace process.

The Secretary-General presented four options as to UNPROFOR’s future role: withdraw UNPROFOR, leaving only a small political mission, if the parties so wished; retain its existing tasks and methods; change the existing mandate to permit the greater use of force; or revise the mandate to include only those tasks that a peacekeeping

operation could realistically be expected to perform in the circumstances prevailing in Bosnia and Herzegovina. The Secretary-General was of the opinion that the fourth option would give UNPROFOR a realistic mandate.

By a letter<sup>671</sup> dated 9 June 1995 addressed to the President of the Security Council, the Secretary-General conveyed a proposal<sup>672</sup> by the Governments of France, the Netherlands and the United Kingdom to provide military reinforcements for UNPROFOR in order to reduce the vulnerability of its personnel and enhance its capacity to carry out its mandate. The three Governments had made it clear that their intention was that the reinforced UNPROFOR would continue to be a peace-keeping mission. The Secretary-General noted that the proposal would provide the Commander of UNPROFOR with well-armed and mobile forces, with which to respond promptly to threats to United Nations personnel. He therefore recommended that the Security Council accept the proposal, as it would enhance UNPROFOR's ability to continue its humanitarian efforts, with less danger to its personnel. In order to accommodate the additional troops that would be required under the reinforcements, the Council would need to increase the authorized UNPROFOR troop levels by 12,500.

At its 3543<sup>rd</sup> meeting, on 16 June 1995, the Council included the above report and letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Malaysia and Turkey, at their request, to participate in the discussion without the right to vote. The President (Germany) then drew the attention of the Council members to the text of a draft resolution<sup>673</sup> submitted by the Czech Republic, France, Germany, Honduras, Netherlands, Oman and the United Kingdom. He also read out a revision<sup>674</sup> that had been made to the draft in its provisional form and referred to several other documents.<sup>675</sup>

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<sup>671</sup> S/1995/470 and Add.1.

<sup>672</sup> *Ibid.*, annex.

<sup>673</sup> S/1995/478.

<sup>674</sup> S/PV.3543, p. 2.

<sup>675</sup> S/1995/477, identical letters dated 12 June 1995 from the representative of Morocco addressed to the

At the same meeting, the representative of Bosnia and Herzegovina stated that the measures offered to his country by the United Nations, which had helped to sustain its people, had almost totally “evaporated”. Sarajevo, Srebrenica, Zepa, Gorazde and Bihac were being denied any humanitarian assistance, and the “stranglehold” was tightening without response. Furthermore, Serbian forces had become so emboldened as to take United Nations personnel as human shields. In addition, the exclusion zone was being violated by the Serbs and ignored by those who were obligated to enforce it. The Government of Bosnia and Herzegovina looked forward to the deployment of the rapid-reaction force and expected that it would enable the United Nations mission to be fully and faithfully implemented.<sup>676</sup>

The representative of Malaysia stated that by taking United Nations peacekeepers hostage and defying Security Council resolutions, the Bosnian Serbs were giving the impression that the United Nations, and in particular the Security Council, was ineffective in addressing a threat to international peace and security. His delegation did not agree with the attempt to characterize UNPROFOR as merely a peacekeeping operation and to downplay UNPROFOR’s mandate relating to its enforcement responsibilities. UNPROFOR’s mandate had been clearly spelled out in the relevant Security Council resolutions, including in the context of Chapter VII of the Charter and its enforcement. He further stated that the existing mandate was suffering from a lack of implementation, and UNPROFOR should be provided with the means necessary for its full implementation. Of the four options proposed by the Secretary-General, the Malaysian delegation favoured option C, being of the view that assertive action could be taken without changing the existing mandate. It did not agree that option D was the way to move forward and argued that that option would weaken UNPROFOR’s mandate rather than strengthen it. Malaysia welcomed the establishment of the rapid reaction

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Secretary-General and the President of the Security Council; S/1995/480, letter dated 12 June 1995 from the representative of Kazakhstan addressed to the Secretary-General; and S/1995/483, letter dated 14 June 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting the text of a letter of the same date from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council.

<sup>676</sup> S/PV.3543, pp. 2-3.

capacity to assist UNPROFOR in the robust implementation of its mandate. The rapid reaction capacity should also be used for the protection of the civilian population, particularly in the safe areas, with air support from NATO, in addition to the protection of UNPROFOR personnel. The Rapid Reaction Capacity (RRC) should also establish land corridors for humanitarian aid. It was also necessary to withdraw the United Nations military observers, who had become “pawns” in the Serb strategy to embarrass the United Nations. Malaysia also stressed the need for security guarantees for the Bosnian Government in terms of its right to self-defence, as provided for in the United Nations Charter, including by lifting the arms embargo.<sup>677</sup>

The representative of Egypt commented on some aspects of the Secretary-General’s report. First, in order to ensure the credibility of the United Nations and to force the Serb party to respect international legality, the provisions of the Charter should be applied, and the resolutions of the Council should be implemented. Secondly, the international community must not accept the demilitarization of the safe areas. While the purpose of the safe area was to provide international protection for the territories and their population, their demilitarization would mean that they would be under the Serb forces’ domination if the international forces withdraw or were unable to ensure their defence. Thirdly, the options available to the Council must be studied in the light of the detailed information contained in the report, because the four operations could not be studied in isolation from other options and possibilities. The third option would presuppose a strengthening of the mandate, but it would also mean modifying that mandate. That was not possible because UNPROFOR’s current mandate was sufficient. Lastly, Egypt supported the conclusions of the Secretary-General that the international mediation efforts had come to a standstill, and that the Council should therefore reassess the situation and adopt another initiative to relaunch the peace process.<sup>678</sup>

The representative of Croatia stated that his country welcomed the establishment of the rapid reaction force and was ready to provide logistical support. It was Croatia’s

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<sup>677</sup> *Ibid.*, pp. 3-5.

<sup>678</sup> *Ibid.*, pp. 5-6.

understanding that, while the rapid reaction force would use some command and logistic facilities on the territory of Croatia, its theatre of operation would be exclusively on the territory of Bosnia and Herzegovina. The Croatian Government was of the firm view that any operational use of the rapid reaction force on Croatian territory could proceed only with its prior consent.<sup>679</sup>

The representative of Turkey stated that the international community was committed, under General Assembly and Security Council resolutions, to preserving the territorial integrity, unity and independence of Bosnia and Herzegovina. He noted that almost all of the Security Council resolutions on Bosnia and Herzegovina referred to Chapter VII of the Charter and he contended that UNPROFOR had been established as a protection force and had therefore never been a traditional peacekeeping force. It was the strong conviction of his Government that UNPROFOR should be reinforced so that it could implement its existing mandate robustly and in full. Noting that UNPROFOR's commitment to protect the safe areas pursuant to resolutions 824 (1993) and 836 (1993) had yet to be carried out, he argued that UNPROFOR needed to be strengthened in such a way as to enable it to act vigorously to deter attacks on the safe areas. His delegation also supported the establishment of the rapid reaction force.<sup>680</sup>

Speaking before the vote, the representative of Nigeria observed that, although all arguments seemed to militate in favour of a total withdrawal of the United Nations from Bosnia and Herzegovina, there was agreement that Bosnia should not be abandoned, that humanitarian assistance must continue to be rendered and that the civilian populations must be protected to the extent possible. There was also agreement that the war must be contained and that the credibility of the United Nations must not be allowed to suffer irreparably through a precipitate withdrawal. The Security Council's response to the report of the Secretary-General – to increase the number of troops in Bosnia to protect UNPROFOR better and enhance its ability to discharge its duties – did not answer some of the pertinent questions raised by the Secretary-General. Nigeria would go along with

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<sup>679</sup> *Ibid.*, pp. 6-7.

<sup>680</sup> *Ibid.*, pp. 7-8.

the draft resolution, however, due to its belief that countries in the region had a primary responsibility to resolve the crisis, and in light of its commitment not to abandon Bosnia as it tried to defend its sovereignty and territorial integrity. The Nigerian Government also hoped that initiatives on the diplomatic political track would resume and would be pursued with vigour.<sup>681</sup>

The representative of the Russian Federation stated that, while measures must be taken to prevent attacks against United Nations personnel, the main lessons to be drawn from the Bosnian crisis were that the use of force was not a panacea, and that decisive action was needed to achieve a breakthrough for a political settlement. In principle, Russia favoured enhancing the security of United Nations personnel, including through providing UNPROFOR with a rapid reaction capability. Strengthening UNPROFOR's ability to protect the lives and safety of its peacekeepers, however, should in no way make them a party to the conflict. Referring to the draft resolution, the speaker noted that it was of paramount importance that it called for the maintenance of UNPROFOR's impartial, peace-keeping nature. He further noted that the sponsors of the draft resolution did take into account several of Russia's proposals. The draft resolution, however, did not manage to avoid the impression that the rapid reaction force was intended to operate against one of the Bosnian parties. While sharing the anger of others over the inadmissible acts that had been committed by the Bosnian Serbs, his delegation could not fail to note that the Government of Bosnia and Herzegovina bore responsibility for provocations, for violating agreements and for direct attacks on UNPROFOR. His delegation had also proposed a reference to the inadmissible violations of the arms embargo in the former Yugoslavia, but it had not been incorporated. The Security Council must take genuine steps to put an end to such violations. Russia was also concerned at the haste with which the draft resolution had been brought before the Council, meaning that the Council had not had time to agree on reliable guarantees

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<sup>681</sup> *Ibid.*, pp. 8-9.

against attempts to use the rapid reaction force to involve UNPROFOR in the conflict. In light of those circumstances, Russia would be forced to abstain in the voting.<sup>682</sup>

The representative of Indonesia stated that his delegation endorsed the paramount objective of the draft resolution, which was to provide UNPROFOR with the necessary means to implement its mandate. The establishment of the rapid reaction force was an important step in pursuing that objective. Although the support and cooperation of the parties was a prerequisite for any peacekeeping operation, in the case of Bosnia and Herzegovina that requirement had been manipulated by the Bosnian Serbs, thereby eroding UNPROFOR's authority. It was necessary to address such tactics with decisiveness, in order to ensure the effective implementation of Security Council resolutions. The deployment of a rapid reaction force should enhance UNPROFOR's capability to ensure the security of the civilian population in the safe areas, which was one of its most important tasks. While his delegation was cognizant of the calls for the demilitarization of safe areas as a means to enhance the protection of the civilian population therein, it believed, however, that demilitarization which was confined to the safe areas was inherently unjust. It was tantamount to depriving the victims of the necessary means to protect themselves while leaving the aggressors free to continue and intensify their attacks from the surrounding areas. It was in that context that the Non-Aligned Movement Caucus had proposed that demilitarization based on mutual agreements should apply not only to safe areas, but also to their immediate surroundings. The speaker further emphasized that the demilitarization of the safe areas and their surrounding areas should be carried out with due regard for the need to respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, in accordance with the Charter of the United Nations, including its right to defend itself.<sup>683</sup>

The representative of Honduras stated that UNPROFOR's purpose was to keep the peace, not to impose it. A revision of UNPROFOR's mandate in order to allow it to take military action without the cooperation of one of the parties or to ensure the

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<sup>682</sup> *Ibid.*, pp. 9-11.

<sup>683</sup> *Ibid.*, pp. 11-12.



protection of its own personnel was not a viable possibility. His delegation supported the proposal for the integration of a rapid reaction force under United Nations command and available to UNPROFOR, not only because its objective was to strengthen UNPROFOR's capacity to fulfil its mandate, but also because it would enable UNPROFOR to continue as a peacekeeping operation. Referring to the question of the safe areas, the speaker argued that the military presence of the parties in the "safe areas" was totally inconsistent with the fundamental principles that should govern those areas. His delegation therefore agreed with the provisions of the draft resolution relating to the need to demilitarize the safe areas by mutual agreement.<sup>684</sup>

The representative of China stated that the establishment of the rapid reaction force under Chapter VII of the Charter was for the purpose of enforcement actions and therefore brought about a *de facto* change in the status of UNPROFOR. Once the force was put into action, UNPROFOR was bound to become a party to the conflict, thus depriving it of its status as a peacekeeping force. The establishment of the rapid reaction force would also increase substantially the peacekeeping expenditure of the United Nations. Given that the United Nations was experiencing a financial crisis, it was all the more necessary for the Security Council to act within the means available to it, without willfully increasing the burden of the States Member of the United Nations. It was neither appropriate nor desirable to finance the establishment of the rapid reaction force from the United Nations peacekeeping budget. The Chinese delegation could not support the draft resolution, since many of its elements ran counter to its principled position. Taking into account, however, the fact that many developing countries wished the Security Council to take appropriate measures to alleviate the situation in Bosnia and Herzegovina, as well as the fact that the draft resolution stressed the importance of a political settlement and of protecting the security of United Nations personnel, and as the draft had incorporated some of its proposed amendments, China would abstain from the subsequent vote.<sup>685</sup>

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<sup>684</sup> *Ibid.*, pp. 12-13.

<sup>685</sup> *Ibid.*, pp. 13-14.

The representative of the Czech Republic stated that the draft resolution preserved the peacekeeping nature of UNPROFOR. It was easy to argue that there was no peace to keep in Bosnia and Herzegovina. The important aspect, however, was that, peace or not, UNPROFOR was not turning into a peacemaking or a peace-enforcement operation. The Czech delegation was satisfied that Chapter VII of the Charter was invoked only in the context of UNPROFOR's self-defence and freedom of movement. The Security Council would therefore be emphasizing once more, through the draft resolution, that peaceful negotiations, not war, were the way to settle the conflict.<sup>686</sup>

The representative of the United States stated that her Government supported the deployment of a rapid reaction force for the purpose of defending UNPROFOR personnel and enabling the peacekeeping mission to fulfil its mandate in a more robust and successful fashion. However, because of the enormous cost of UNPROFOR and the existing budgetary situation in Washington, the United States could not agree to funding the rapid deployment force through the normal United Nations peacekeeping assessment process. Nevertheless, it stood ready to consider all reasonable alternatives.<sup>687</sup>

The draft resolution was then put to the vote, as orally revised in its provisional form, and it was adopted by 13 votes to none, with two abstentions (China, the Russian Federation), as resolution 998 (1995). The resolution reads as follows:

*The Security Council,*  
*Recalling* all its earlier relevant resolutions,  
*Reaffirming* the mandate of the United Nations Protection Force as referred to in resolution 982 (1995) of 31 March 1995 and the need for its full implementation,  
*Having considered* the report of the Secretary-General of 30 May 1995,  
*Having considered also* the letter dated 9 June 1995 from the Secretary-General to the President of the Security Council and the annex thereto,

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<sup>686</sup> *Ibid.*, pp. 15-16.

<sup>687</sup> *Ibid.*, pp. 16-17.

*Noting* that the rapid reaction force referred to in the above-mentioned letter will be an integral part of the existing United Nations peacekeeping operation and that the status of the United Nations Protection Force and its impartiality will be maintained,

*Deeply concerned* by the continuing armed hostilities in the territory of the Republic of Bosnia and Herzegovina,

*Expressing its deep regret* that the situation in the Republic of Bosnia and Herzegovina has continued to deteriorate and that the parties were not able to agree to a further ceasefire following the breakdown of the ceasefire agreement of 23 December 1994 and its subsequent expiration on 1 May 1995,

*Gravely concerned* that the regular obstruction of deliveries of humanitarian assistance, and the denial of the use of Sarajevo airport by the Bosnian Serb side threaten the ability of the United Nations in Bosnia and Herzegovina to carry out its mandate,

*Condemning in the strongest possible terms* all attacks by the parties on United Nations Protection Force personnel,

*Condemning also* the increasing attacks on the civilian population by Bosnian Serb forces,

*Determined* to enhance the protection of the United Nations Protection Force and to enable it to carry out its mandate,

*Noting* the letter dated 14 June 1995 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council, welcoming the reinforcement of the United Nations Protection Force,

*Stressing* the importance at this juncture of renewed efforts to achieve an overall peaceful settlement,

*Underlining once again* the urgent need for acceptance by the Bosnian Serb party of the Contact Group peace plan as a starting point, opening the way to the negotiation of such an overall peaceful settlement,

*Reaffirming* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina,

*Reaffirming further* that the Republic of Bosnia and Herzegovina, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

*Determining* that the situation in the former Yugoslavia continues to be a threat to international peace and security,

*Reaffirming its determination* to ensure the security of the United Nations Peace Forces/United Nations Protection Force and freedom of movement for the accomplishment of

all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Bosnian Serb forces release immediately and unconditionally all remaining detained United Nations Protection Force personnel, and further demands that all parties fully respect the safety of Force personnel and others engaged in the delivery of humanitarian assistance and ensure their complete freedom of movement;

2. *Emphasizes* that there can be no military solution to the conflict, stresses the importance it attaches to vigorous pursuit of a political settlement, and reiterates its demand that the Bosnian Serb party accept the Contact Group peace plan as a starting point;

3. *Calls upon* the parties to agree without further delay to a ceasefire and a complete cessation of hostilities in the Republic of Bosnia and Herzegovina;

4. *Demands* that all parties allow unimpeded access for humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina and, in particular, to the safe areas;

5. *Demands also* that the Bosnian Serb forces comply immediately with the agreement of 5 June 1992 (S/24075, annex) and ensure unimpeded access by land to Sarajevo;

6. *Demands further* that the parties respect fully the status of the safe areas and, in particular, the need to ensure the safety of the civilian population therein;

7. *Underlines* the need for a mutually agreed demilitarization of the safe areas and their immediate surroundings and the benefits this would bring to all parties in terms of the cessation of attacks on the safe areas and of launching military attacks therefrom;

8. *Encourages*, in this context, the Secretary-General further to intensify efforts aimed at reaching agreement with the parties on the modalities for demilitarization, taking particular account of the need to ensure the safety of the civilian population, and calls upon the parties to cooperate fully with these efforts;

9. *Welcomes* the letter dated 9 June 1995 from the Secretary-General on the reinforcement of the United Nations Protection Force and the establishment of a rapid reaction capacity to enable the United Nations Peace Forces/United Nations Protection Force to carry out its mandate;

10. *Decides* accordingly to authorize an increase in United Nations Peace Forces/United Nations Protection Force personnel, acting under the present mandate and on the terms set out in the above-mentioned letter, by up to 12,500 additional troops, the modalities of financing to be determined later;

11. *Authorizes* the Secretary-General to carry forward the implementation of paragraphs 9 and 10 above, maintaining close contact with the Government of the Republic of Bosnia and Herzegovina and others concerned;

12. *Requests* the Secretary-General, in taking any decisions with respect to the deployment of United Nations Protection Force personnel, to take full account of the need to enhance their security and minimize the dangers to which they might be exposed;

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

Speaking after the vote, the representative of the United Kingdom welcomed the resolution just adopted. The increase in reinforcements would provide United Nations commanders, for the first time, with a credible rapid reaction capability. He argued that it was clear that UNPROFOR's mission remained one of peacekeeping. Its purpose was to facilitate the delivery of humanitarian aid, to assist the parties in developing and implementing cease-fire agreements and to provide a "breathing space" for the political process. His Government was determined to do everything possible to ensure that UNPROFOR was able to remain in Bosnia. But, ultimately, whether it did so was up to the parties themselves, UNPROFOR could only be successful if it had the continued consent and cooperation of all sides. The speaker, however, warned that if the parties instead insist on embracing the military option, if UNPROFOR was prevented from carrying out its tasks or it faced unacceptable risks, then there might be no choice but to withdraw UNPROFOR. Turning to the draft resolution, the speaker noted that his delegation had accepted the addition of the words at the end of paragraph 10 because it understood the domestic political difficulties facing the United States at that time. He argued, however, that the Security Council had no *locus* to take decisions on financial questions, as the Charter reserved to the General Assembly the responsibility for budgetary and financial matters. Therefore, the amendment of paragraph 10 could not change the financial procedures followed by the Organization.<sup>688</sup>

The representative of France stated that providing UNPROFOR with new means had a twofold objective, to assure the security of its personnel and to enable UNPROFOR

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<sup>688</sup> *Ibid.*, pp. 17-19.

to fulfil its mission. He emphasized that UNPROFOR's nature would not change. The elements of the rapid reaction force would act in support of UNPROFOR within the framework of its mandate. The missions of that force would consist essentially of emergency actions to help isolated or threatened units to help in the redeployment of UNPROFOR elements in order to make them less vulnerable or facilitate their freedom of movement. He noted that the resolution contained a provision relating to the subsequent determination of the financial modalities and stated that his country understood that provision to mean that it was not up to the Council itself to establish the modalities for financing an operation upon which it had decided. Faced with UNPROFOR's serious difficulties on the ground, the Governments of France, the United Kingdom and the Netherlands, rather than electing to withdraw from Bosnia, had proposed that additional means be made available to the United Nations. The French Government expected these new means to be used judiciously, but not weakly.<sup>689</sup>

The representative of Argentina stated that his delegation agreed with the Secretary-General that the peace process should be relaunched and intensified through new political initiatives. It therefore attached particular importance to paragraph 2 of the resolution just adopted. Referring to the rapid reaction force, the speaker argued that the use of force should be restricted to self-defence and should be engaged in with great care, lest the line between peacekeeping and peace enforcement be crossed.<sup>690</sup>

**Decision** of 19 August 1995 (3568<sup>th</sup> meeting): statement by the President

By a letter<sup>691</sup> dated 17 August 1995 addressed to the President of the Security Council, the Secretary-General reported that his Special Representative for the former Yugoslavia and the UNPF/UNPROFOR Force Commander had undertaken consultations with the Governments of Bosnia and Herzegovina and Croatia, with a view to facilitating the deployment of the additional troops authorized by the Council under resolution 998 (1995) and the freedom of movement of the units of the Rapid Reaction Force (RRF).

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<sup>689</sup> *Ibid.*, pp. 19-20.

<sup>690</sup> *Ibid.*, pp. 21-22.

<sup>691</sup> S/1995/707.

Both Governments had taken the position that the additional troops were not part of the UNPF/UNPROFOR and were therefore not covered by the relevant Status of Forces Agreement (SOFA). The Governments further maintained that resolution 998 (1995) had been adopted after the conclusion of the SOFA. The Special Representative had outlined the position of the United Nations, which was that the Council's decision to authorize the addition of the RRF did not exclude the expanded UNPF/UNPROFOR from the scope of the SOFA. Once the Council had authorized a peacekeeping operation, it could at any time reduce or expand the strength of the operation, without having to conclude additional agreements. The Secretary-General warned that the position of the two Governments had delayed the deployment of the RRF, which could have serious consequences for the United Nations forces already deployed. Furthermore, the local Croat authorities in Bosnia and Herzegovina had been demanding that the United Nations sign an agreement with them governing the status of the RRF. The United Nations was of the view that the SOFA was applicable throughout the entire territory, and it was not necessary to enter into such an agreement with the Federation of Bosnia-Herzegovina. The Special Representative had suggested to the Bosnian authorities that supplementary arrangements, as envisaged in Article VIII of the existing SOFA, be concluded to cover the issues in question. The United Nations would require that the supplementary arrangements contain a clause providing that, in the event of conflict between the supplementary arrangements and the SOFA, the latter should prevail.

At its 3568<sup>th</sup> meeting, on 19 August, the Council included the above letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a letter<sup>692</sup> dated 18 August 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council and stated that, after

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<sup>692</sup> S/1995/710.

consultations among members of the Security Council, he had been authorized to make the following statement<sup>693</sup> on behalf of the Council:

"The Security Council is deeply concerned by the contents of the letter dated 17 August 1995 from the Secretary-General regarding the continued impediments to the functioning and deployment of the rapid reaction force established by resolution 998 (1995) of 16 June 1995.

"The Council reaffirms in this regard that the rapid reaction force is an integral part of the United Nations Peace Forces/United Nations Protection Force and that its deployment is crucial for the strengthening of the capacity of the United Nations Protection Force to carry out its mandate in the Republic of Bosnia and Herzegovina. It shares the Secretary-General's view that the existing status-of-forces agreements constitute an appropriate and sufficient basis for the presence of the United Nations Peace Forces/United Nations Protection Force, including the rapid reaction force.

"The Council is deeply concerned at the implications of the continued impediments to the functioning of the rapid reaction force for the effectiveness of the United Nations mission in the Republic of Bosnia and Herzegovina. It calls upon the Governments of the Republic of Croatia and the Republic of Bosnia and Herzegovina immediately to remove all impediments and to give clear undertakings concerning the freedom of movement and provision of facilities for the rapid reaction force, in order that it may perform its tasks without further delay. It further calls upon them to resolve forthwith within the framework of the existing status-of-forces agreements any outstanding difficulties with the relevant United Nations authorities.

"The Council supports fully the efforts of the Secretary-General in this matter and will return to this question in the light of a further report which the Council requests the Secretary-General to submit no later than 24 August 1995."

**Decision** of 2 December 1993: letter from the President to the Secretary-General

By a letter<sup>694</sup> dated 1 December 1993 addressed to the President of the Security Council, the Secretary-General referred to the senior-level staffing of the United Nations peacemaking and peace-keeping efforts related to the former Yugoslavia. He recalled that

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<sup>693</sup> S/PRST/1995/40.

<sup>694</sup> S/26838.



in May 1993 Mr. Thorvald Stoltenberg had been appointed as both Special Representative of the Secretary-General and Co-Chairman of the Steering Committee of the ICFY. At that time it had been hoped that the Vance-Owen plan for Bosnia and Herzegovina would shortly be agreed and that thereafter the main focus of United Nations activities in the former Yugoslavia would be implementation of that plan on the ground, together with continuing efforts to implement the Vance plan related to the United Nations Protected Areas in Croatia. However, as the members of the Council were aware, the Vance-Owen plan had not been accepted and Mr. Stoltenberg remained heavily engaged in continuing negotiations. That had left him insufficient time to carry out in full the functions of Special Representative of the Secretary-General and Chief of Mission of the United Nations Protection Force (UNPROFOR). Accordingly, and after consulting Mr. Stoltenberg and contacting the heads of Government and other parties directly concerned in the former Yugoslavia, the Secretary-General had come to the conclusion that the resumption of negotiations in Geneva, following the meeting there between the Foreign Ministers of the European Union, the Co-Chairmen of the Steering Committee of the Conference and the parties on 29 November 1993, made it necessary to separate the functions of Co-Chairman of the Steering Committee and Special Representative. Therefore, it was the Secretary-General's intention that Mr. Stoltenberg should continue to serve as Co-Chairman and that Mr. Yasushi Akashi, until recently the Secretary-General's Special Representative for Cambodia, should be appointed to the post of Special Representative for the former Yugoslavia and Chief of Mission of UNPROFOR. The Secretary-General further stated that he had so informed the heads of Government and other parties directly concerned in the former Yugoslavia. By a letter<sup>695</sup> dated 2 December 1993, the President of the Security Council informed the Secretary-General as follows:

“I have the honour to inform you that your letter dated 1 December 1993 concerning the staffing of the United Nations peace-keeping and peacemaking efforts in the former Yugoslavia has been brought to the attention of the members of the Council. They take note of the information contained in your letter and agree with the proposal mentioned therein.”]

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<sup>695</sup> S/26839.

## The situation in the former Yugoslav Republic of Macedonia

### INITIAL PROCEEDINGS

At its 3239<sup>th</sup> meeting, on 18 June 1993, the Council included the item entitled “The situation in the former Yugoslav Republic of Macedonia,” as well as a letter<sup>696</sup> dated 15 June 1993 from the Secretary-General addressed to the President of the Security Council in its agenda. In that letter, the Secretary-General transmitted a letter dated 11 June 1993 from the representative of the United States, stating that the United States had decided to offer a reinforced company team of approximately 300 troops to operate with the United Nations Protection Force (UNPROFOR) forces stationed in the former Yugoslav Republic of Macedonia.

Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution<sup>697</sup> that had been prepared in the course of the Council’s prior consultations.

**Decision** of 18 June 1993 (3239<sup>th</sup> meeting): resolution 842 (1993)

The draft resolution was then put to the vote and it was adopted unanimously as resolution 842 (1993). The resolution reads as follows:

*The Security Council,*

*Reaffirming* its resolution 743 (1992) of 21 February 1992 and all subsequent resolutions relating to the United Nations Protection Force,

*Recalling in particular* resolution 795 (1992) of 11 December 1992, by which it authorized the presence of the Force in the former Yugoslav Republic of Macedonia,

*Welcoming* the important contribution of the existing Force presence in the former Yugoslav Republic of Macedonia to stability in the region,

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<sup>696</sup> S/25954 and Add.1. For details see Chapter V of the present supplement.

<sup>697</sup> S/25955.

*Seeking* to support efforts for a peaceful resolution of the situation in the former Yugoslavia as it relates to the former Yugoslav Republic of Macedonia as provided for in the report of the Secretary-General of 9 December 1992 and approved in resolution 795 (1992) of 11 December 1992,

*Noting with appreciation* the offer made by a Member State (S/25954 and Add.1) to contribute additional personnel to the Force presence in the former Yugoslav Republic of Macedonia, and the latter Government's favourable response thereto,

1. Welcomes the offer made by a Member State to contribute additional personnel to the presence of the United Nations Protection Force in the former Yugoslav Republic of Macedonia, and decides to expand the size of the Force accordingly and to authorize the deployment of these additional personnel;

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

#### **Decision** of 22 July 1993: letter from the President

On 13 July 1993, pursuant to Security Council resolution 795 (1992), the Secretary-General submitted to the Council a report<sup>698</sup> on the deployment and activities of the United Nations Force (UNPROFOR) in the former Yugoslav Republic of Macedonia prior to its expansion. The Secretary-General noted that UNPROFOR had so far been successful in its preventive mandate in the former Yugoslav Republic of Macedonia. However, it was still too early to draw definitive conclusions about the effectiveness of that deployment in the highly volatile situation prevailing in the region. He recalled that in proposing the initial deployment of UNPROFOR in the former Yugoslav Republic of Macedonia on 9 December 1992<sup>699</sup>, he had expressed the belief that a small preventive United Nations deployment would help the countries concerned “to make safe passage through a potentially turbulent and hazardous period”. That remained his hope at a time when the conflagration in other parts of the former Yugoslavia showed little sign of abating.

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<sup>698</sup> S/26099.

<sup>699</sup> See S/24923.

By a letter<sup>700</sup> dated 22 July 1993, the President of the Security Council informed the Secretary-General as follows:

“The members of the Security Council have noted your report of 13 July 1993 pursuant to resolution 795 (1992) on the deployment and activities of the United Nations Protection Force (UNPROFOR) in the former Yugoslav Republic of Macedonia, prior to its expansion in accordance with resolution 842 (1993) of 18 June 1993. They welcome the fact that, subsequent to the events recorded in your report, the further addition to UNPROFOR's strength pursuant to the latter resolution has now been completed. The members of the Council are conscious of the important contribution made by UNPROFOR in the former Yugoslav Republic of Macedonia to stability in the region. They welcome the establishment of close coordination with the CSCE missions there, as called for in paragraph 4 of resolution 795 (1992) of 11 December 1992, and welcome UNPROFOR's increased ability to fulfil its mandate in the implementation of all relevant resolutions of the Security Council.

“The members of the Council look forward to receiving further reports in due course on UNPROFOR's activities in the former Yugoslav Republic of Macedonia.”

**Decision** of 30 November 1995 (3602<sup>nd</sup> meeting): resolution 1027 (1995)

On 23 November 1995, pursuant to resolutions 981 (1995), 982 (1995) and 983 (1995), the Secretary-General submitted to the Council a report<sup>701</sup> on peacekeeping missions in the former Yugoslavia, including the United Nations Preventive Deployment Force (UNPREDEP) in the former Yugoslav Republic of Macedonia. The report was intended to assist the Council in its deliberations on the future of the missions.

The Secretary-General noted that UNPREDEP's preventive deployment role had contributed greatly to the peace and stability of the southern Balkans. The operation had proved that preventive deployment was an effective form of peacekeeping and that results

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<sup>700</sup> S/26130.

<sup>701</sup> S/1995/987.

could be achieved even with a small, almost symbolic deployment of United Nations peacekeepers, if it was done at the right time and with a clear mandate. He noted, however, that the Government of the former Yugoslav Republic of Macedonia was of the opinion, which he shared, that the causes leading to the establishment of UNPREDEP had not ceased to exist. The continued presence of UNPREDEP, with basically the same mandate, strength and troop composition, was vital to the maintenance of peace and stability in the country. The Secretary-General recommended that the mandate of UNPREDEP should be renewed for a further 12-month period. He also noted that it was his intention to make, as soon as possible, recommendations relating to the establishment of UNPREDEP on “a fully independent footing”, which would report directly to New York.

At its 3602<sup>nd</sup> meeting, on 30 November 1995, the Council resumed its consideration of the item entitled “The situation in the former Yugoslav Republic of Macedonia” and included the above report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of the former Yugoslav Republic of Macedonia, at his request, to participate in the discussion without the right to vote. The President (Oman) then drew the attention of the Council members to the text of a draft resolution<sup>702</sup> submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom, the United States and Honduras.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 1027 (1995). The resolution reads as follows:

*The Security Council,*

*Recalling* all its previous relevant resolutions and in particular its resolution 983 (1995) of 31 March 1995,

*Reaffirming its commitment* to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

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<sup>702</sup> S/1995/996.

*Recalling* its concern about possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory,

*Welcoming* the positive role played by the United Nations Preventive Deployment Force, and paying tribute to the personnel of the Force in the performance of their mandate,

*Having considered* the report of the Secretary-General of 23 November 1995,

1. *Welcomes* the report of the Secretary-General;
2. *Decides* to extend the mandate of the United Nations Preventive Deployment Force for a period terminating on 30 May 1996;
3. *Urges* the Force to continue its cooperation with the mission of the Organization for Security and Cooperation in Europe;
4. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the Force in the performance of its mandate;
5. *Requests* the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate of the Force, and in particular to submit, if possible by 31 January 1996, a report on all aspects of the Force, in the light of developments in the region, for review by the Council;
6. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of the former Yugoslav Republic of Macedonia stated that it was his Government's view that UNPREDEP should become a completely independent United Nations operation reporting directly to the Secretary-General, with its base, military command and logistics structure located in Skopje. His Government also requested that the mandate of UNPREDEP be extended until 30 November 1996.<sup>703</sup>

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<sup>703</sup> S/PV.3602, pp. 2-5.

**Establishment of an international tribunal for the prosecution of persons  
responsible for serious violations of international humanitarian law committed in  
the territory of the former Yugoslavia**

INITIAL PROCEEDINGS

At its 3175<sup>th</sup> meeting, on 22 February 1993, the Council included the item entitled “Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the Former Yugoslavia” in its agenda. The Council also included the following documents in its agenda: a letter<sup>704</sup> dated 10 February 1993 from the representative of France addressed to the Secretary-General, attaching the report of a Committee of French Jurists set up to study the establishment of an International Criminal Tribunal to judge the crimes committed in the former Yugoslavia; a letter<sup>705</sup> dated 16 February 1993 from the representative of Italy addressed to the Secretary-General, forwarding a draft statute for a Tribunal for War Crimes and Crimes against Humanity Committed in the Territory of the Former Yugoslavia; and a letter<sup>706</sup> dated 18 February 1993 from the representative of Sweden addressed to the Secretary-General, transmitting the decision by the CSCE meeting on a proposal for an International War Crimes Tribunal for the Former Yugoslavia made by the Rapporteurs under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia.

Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Morocco) then drew the attention of the Council members to several documents<sup>707</sup> and to the text of a draft resolution<sup>708</sup> that had been prepared in the course of the Council’s prior consultations.

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<sup>704</sup> S/25266.

<sup>705</sup> S/25300.

<sup>706</sup> S/25307.

<sup>707</sup> S/25221, report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia; S/25274, letter dated 9 February 1993 from the Secretary-General addressed to the President of the Security Council, transmitting the interim report of the Commission of Experts established pursuant to resolution 780

Speaking before the vote, the representative of Brazil stated that the information gathered by the Commission of Experts and by the Special Rapporteur of the Commission on Human Rights had provided substantial evidence of grave breaches of humanitarian law being committed on a massive scale and in a systematic fashion. The international community could not allow that to continue unpunished. These grave breaches of the most elementary norms of humanity must be treated as what they were: criminal acts, crimes against women and children and other defenceless victims, but also crimes against humanity. Brazil favoured strong action to ensure the full ascertainment of the truth about each of the cases of war crimes and crimes against humanity committed in the territory of the former Yugoslavia and, in that regard, supported the establishment of an international criminal tribunal to bring to justice the individuals found to be responsible for such “abominable acts”.

The speaker further observed that it was of particular importance that the international tribunal should rest on a solid legal foundation, in order to ensure the effectiveness of its actions. Addressing the question of the best method for establishing an *ad hoc* international criminal tribunal, he noted that the authority of the Security Council was not self-constituted but originated from a delegation of powers by the whole membership of the Organization. The Security Council, in the exercise of its responsibilities, acted on behalf of the States Members of the United Nations, in accordance with Article 24, paragraph 1, of the Charter. Its powers could not be created, recreated or reinterpreted by decisions of the Council itself, but must be based on specific Charter provisions. Because the Council exercised a delegated responsibility, the task of interpreting its competence called for extreme caution, in particular when invoking Chapter VII of the Charter. The Security Council should play a strong and positive role in promoting the implementation of the various elements that would contribute to the peace

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(1992) to provide the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia; and S/25240, letter dated 2 February 1993 from the representative of Denmark addressed to the Secretary-General, forwarding the final report of the investigative mission into the treatment of Muslim women in the former Yugoslavia.

<sup>708</sup> S/25314.



efforts developed by the International Conference on the Former Yugoslavia, but that role should remain within the scope of the powers expressly granted to the Security Council in accordance with the United Nations Charter. In a rapidly changing world, Brazil considered it increasingly important to promote the rule of law in international relations by acting to ensure strict respect for the provisions of the Charter and other norms of international law.<sup>709</sup>

The representative of China stated that his delegation supported the thrust of the draft resolution and would therefore vote in favour. That vote would not, however, prejudice China's position on future Security Council actions on the subject.<sup>710</sup>

**Decision** of 22 February 1993 (3175<sup>th</sup> meeting): resolution 808 (1993)

The draft resolution was then put to the vote and it was adopted as resolution 808 (1993). The resolution reads as follows:

*The Security Council,*

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

*Recalling* paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law, in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

*Recalling also* its resolution 771 (1992) of 13 August 1992, in which, *inter alia*, it demanded that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, immediately cease and desist from all breaches of international humanitarian law,

*Recalling further* its resolution 780 (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial commission of experts to

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<sup>709</sup> S/PV.3175, pp. 4-7.

<sup>710</sup> *Ibid.*, pp. 7.

examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the commission may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

*Having considered* the interim report of the Commission of Experts established pursuant to resolution 780 (1992), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,

*Expressing once again its grave alarm* at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuance of the practice of “ethnic cleansing”,

*Determining* that this situation constitutes a threat to international peace and security,

*Determined* to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

*Convinced* that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

*Noting* in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal,

*Taking note with grave concern* of the report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia,

*Taking note* of the report of the committee of jurists submitted by France, the report of the commission of jurists submitted by Italy, and the report transmitted by the Permanent Representative of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe,

1. *Decides* that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than sixty days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision

contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

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

Speaking after the vote, the representative of France stated that the atrocities committed by all sides in the Yugoslav crisis had given rise to an intolerable situation which was fanning the flames of conflict and, therefore, constituted a threat to international peace and security. Prosecuting the guilty was necessary in order to do justice to the victims and to the international community. It would also send a clear message to those continuing to commit such crimes that they would be held responsible for their acts. For the United Nations and, particularly, for the Security Council, prosecuting the guilty was also a matter of doing their duty to maintain and restore peace. With those considerations in mind, the French Foreign Minister had asked a group of jurists to draw up a report on setting up an international criminal tribunal that could prosecute persons responsible for the serious violations of international humanitarian law that had been committed in the territory of the former Yugoslavia since the beginning of Yugoslavia's dissolution. The report had concluded that the creation of an international tribunal for the former Yugoslavia could be decided on by the Security Council, within the framework of its powers under Chapter VII of the Charter to maintain or restore international peace and security. France had endorsed that conclusion and had taken the initiative of proposing to the Security Council a draft resolution for its implementation.

The speaker further observed that the Security Council had taken a decision of major significance. For the first time in history, the United Nations would be setting up an international criminal jurisdiction – one that would be competent to try those who had committed serious violations of international humanitarian law in the territory of the former Yugoslavia. The tribunal should be established as soon as possible, through a further decision of the Security Council under the provisions of Chapter VII, which

established the Council's competence in the maintenance and restoration of international peace and security.<sup>711</sup>

The representative of the United States stated that her delegation strongly supported the historic resolution just adopted, which took the first step in establishing an *ad hoc* tribunal to prosecute persons accused of war crimes and other serious violations of international humanitarian law in the territory of the former Yugoslavia. Her delegation looked forward to working with the Secretary-General to accomplish expeditiously his task of providing the Council with options for a statute and rules of procedure of the tribunal. Once the Secretary-General's report had been received, the United States would act quickly, along with the other members of the Council, to establish a tribunal under Chapter VII.<sup>712</sup>

The representative of the United Kingdom said that it was vital that an international legal mechanism be established to bring those accused of war crimes, from whatever party to the conflict, to justice. His delegation welcomed the valuable work that had been done on possible mechanisms and which would contribute to the study by the Secretary-General of the most effective and feasible way of establishing a tribunal or a court. The Secretary-General's task would not be easy. The Commission of Experts' interim report noted the difficulties of identifying the perpetrators of those crimes. It was vital that whatever court or tribunal was established would be provided with the necessary evidence. The Commission must therefore be given adequate resources to continue its work. He noted that the "court" was an *ad hoc* legal framework to deal with war crimes committed only in the territory of the former Yugoslavia.<sup>713</sup>

The representative of the Russian Federation stated that the resolution just adopted reflected the international community's will to exert its influence on all parties to the conflict in order to accelerate the peace process. The legal basis, status, composition

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<sup>711</sup> *Ibid.*, pp. 8-11.

<sup>712</sup> *Ibid.*, pp. 11-14.

<sup>713</sup> *Ibid.*, pp. 14-15.

and powers of the international tribunal, and the modalities for its establishment and functioning, would be decided by the Council subsequently, but already the resolution should serve the purpose of “bringing to their senses” those who were ready to sacrifice the lives and dignity of hundreds of thousands of innocent people. The Russian delegation believed that resolution 808 (1993) would also serve as a warning to those guilty of mass crimes and flagrant violations of human rights in other parts of the world.<sup>714</sup>

The representative of Hungary considered the Security Council’s decision of the previous October to set up a Commission of Experts charged with studying and analyzing information on the grave violations of international humanitarian law in the former Yugoslavia, to be of great importance. Information and reports from various sources confirmed that the gravity and massive nature of those violations constituted a threat to international peace and security. Consequently, there should be no doubt about the competence of the Security Council to deal with the matter.<sup>715</sup>

The representative of Spain stated that his delegation understood that some might harbour certain doubts about the competence of the Council to take the step of establishing a tribunal, as it was a novel one. Spain did not share those doubts, however, for it was a limited and precise action with the clear objective of restoring peace, which was perfectly in keeping with the competence of the Council. In fact, the Council was not attempting to establish a new jurisdictional or legislative framework of a permanent nature. It was not setting itself up as a permanent judge or legislator. It was only attempting to create an *ad hoc* mechanism that, by applying existing laws, would assign responsibility for acts committed in an ongoing conflict that had already been seen to threaten and undermine peace. That mechanism would contribute, by means of recourse to justice and punishment of the guilty, to restoring the peace and ensuring its maintenance, so as to deter the repetition of similar acts in the future. The speaker noted that Spain would have preferred the establishment of a criminal tribunal with universal

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<sup>714</sup> *Ibid.*, p. 16.

<sup>715</sup> *Ibid.*, pp. 18-21.

jurisdiction, but it recognized that to create one would have required more time than was available. Nevertheless, the Spanish delegation was confident that the resolution just adopted was the first step towards the future creation of an international, universal, permanent criminal jurisdiction, and it would continue to support and promote the efforts towards that end being made in other forums within the Organization.<sup>716</sup>

**Decision** of 25 May 1993 (3217<sup>th</sup> meeting): resolution 827 (1993)

On 3 May 1993, pursuant to resolution 808 (1993), the Secretary-General submitted to the Council a report<sup>717</sup> on the establishment of an International Tribunal to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, which contained a draft statute in annex. The Secretary-General believed that the international tribunal should be established by a decision of the Security Council on the basis of Chapter VII of the Charter of the United Nations. Such a decision would constitute a measure to maintain or restore international peace and security, following the requisite determination of the existence of a threat to the peace, breach of the peace or act of aggression. It would also have the advantage of being expeditious and of being immediately effective, as all States would be under a binding obligation to take whatever action was required to carry out a decision taken as an enforcement measure under Chapter VII. The Secretary-General also believed that the establishment of the international tribunal by means of a Chapter VII decision would be legally justified, both in terms of the object and purpose of the decision and of past Security Council practice. He recalled, in that regard, that the Council had on various occasions adopted decisions under Chapter VII, aimed at restoring or maintaining international peace and security, which had involved the establishment of subsidiary organs for a variety of purposes.

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<sup>716</sup> *Ibid.*, pp. 21-26.

<sup>717</sup> S/25704 and Add.1 and Corr.1.

The Secretary-General pointed out that the Security Council would be establishing a subsidiary organ within the terms of Article 29 of the Charter, but one of a judicial nature. The organ would have to perform its functions independently of political considerations; it would not be subject to the authority or control of the Security Council with regard to the performance of its judicial functions. As an enforcement measure under Chapter VII, however, the life span of the international tribunal would be linked to the restoration and maintenance of international peace and security in the territory of the former Yugoslavia. In assigning to the international tribunal the task of prosecuting persons responsible for serious violations of international humanitarian law, the Security Council would not, however, be creating nor purporting to “legislate” that law. Rather, the international tribunal would have the task of applying existing international humanitarian law. The Secretary-General therefore proposed that the Security Council, acting under Chapter VII of the Charter, establish the international tribunal.

At its 3217<sup>th</sup> meeting, on 25 May 1993, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Russian Federation) drew the attention of the Council members to the text of a draft resolution<sup>718</sup> submitted by France, New Zealand, the Russian Federation, Spain, the United Kingdom and the United States that had been prepared in the course of the Council’s prior consultations and to several other documents.<sup>719</sup>

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<sup>718</sup> S/25826.

<sup>719</sup> S/25417, *note verbale* dated 12 March 1993 from the representative of Mexico addressed to the Secretary-General; S/25504, letter dated 31 March 1993 from the representative of Canada addressed to the Secretary-General; S/25594, letter dated 13 April 1993 from the representative of Canada addressed to the Secretary-General; S/25537, letter dated 5 April 1993 from the representative of the Russian Federation addressed to the Secretary-General; S/25540, letter dated 6 April 1993 from the representative of Brazil addressed to the Secretary-General; S/25575, letter dated 5 April 1993 from the representative of the United States addressed to the Secretary-General; S/25652, letter dated 20 April 1993 from the representative of Slovenia addressed to the Secretary-General; S/25716, *note verbale* dated 30 April 1993 from the representative of the Netherlands addressed to the Secretary-General; S/25765, letter dated 11 May 1993 from the representative of Canada addressed to the Secretary-General; S/25801, letter dated 19 May 1993 from the representative of Yugoslavia addressed to the Secretary-General; and S/25829, letter dated 24 May 1993 from the representatives of France, the Russian Federation, Spain, the United Kingdom and the United States addressed to the President of the Security Council.

The draft resolution was then put to the vote and it was adopted unanimously as resolution 827 (1993). The resolution reads as follows:

*The Security Council,*  
*Reaffirming* its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,  
*Having considered* the report of the Secretary-General of 3 and 17 May 1993 pursuant to paragraph 2 of resolution 808 (1993),  
*Expressing once again its grave alarm* at continuing reports of widespread and flagrant violations of international humanitarian law occurring within the territory of the former Yugoslavia, and especially in the Republic of Bosnia and Herzegovina, including reports of mass killings, massive, organized and systematic detention and rape of women and the continuance of the practice of “ethnic cleansing”, including for the acquisition and the holding of territory,  
*Determining* that this situation continues to constitute a threat to international peace and security,  
*Determined* to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,  
*Convinced* that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure by the Council of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,  
*Believing* that the establishment of an international tribunal and the prosecution of persons responsible for the above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,  
*Noting* in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal,  
*Reaffirming* in this regard its decision in resolution 808 (1993) of 22 February 1993 that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991,



*Considering* that, pending the appointment of the prosecutor of the international tribunal, the Commission of Experts established pursuant to resolution 780 (1992) should continue on an urgent basis the collection of information relating to evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law as proposed in its interim report,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General;
2. *Decides* hereby to establish an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia between 1 January 1991 and a date to be determined by the Security Council upon the restoration of peace and to this end to adopt the statute of the International Tribunal annexed to the report of the Secretary-General;
3. *Requests* the Secretary-General to submit to the judges of the International Tribunal, upon their election, any suggestions received from States for the rules of procedure and evidence called for in article 15 of the statute of the Tribunal;
4. *Decides* that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the statute of the Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by a trial chamber under article 29 of the statute;
5. *Urges* States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;
6. *Decides* that the determination of the seat of the International Tribunal is subject to the conclusion of appropriate arrangements between the United Nations and the Netherlands acceptable to the Council, and that the Tribunal may sit elsewhere when it considers it necessary for the efficient exercise of its functions;
7. *Decides also* that the work of the International Tribunal shall be carried out without prejudice to the right of the victims to seek, through appropriate means, compensation for damages incurred as a result of violations of international humanitarian law;
8. *Requests* the Secretary-General to implement urgently the present resolution and in particular to make practical arrangements for the effective functioning of the International Tribunal at the earliest time and to report periodically to the Council;

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

Speaking after the vote, the representative of Venezuela recalled that his delegation had voted in favour of resolution 808 (1993), because it had been convinced of the duty incumbent upon the international community to reaffirm that the commission of crimes such as those committed in the former Yugoslavia could not pass without political condemnation and penal sanctions. The Venezuelan delegation recognized that the Tribunal was intended to deal with a specific and limited crisis that the Council had been addressing under Chapter VII of the Charter. It also recognized that the Tribunal, as a subsidiary organ of the Council, would not be empowered with – nor would the Council be assuming – the ability to set down norms of international law or to legislate with respect to those rights. The Tribunal simply applied existing international humanitarian law. It further acknowledged that, in adopting the draft statute, the Council was also taking exceptional action. Venezuela believed that the ad hoc Tribunal had thus been established to act in support of the purposes and principles of the Charter.<sup>720</sup>

The representative of France noted that, through resolution 827 (1993), the Council had established an International Tribunal that would prosecute, judge and punish people from any community who had committed or continued to commit crimes in the territory of the former Yugoslavia. He also noted that resolution 827 (1993) had been adopted under Chapter VII of the Charter. The threat to international peace and security created by the situation in the former Yugoslavia justified recourse to those provisions. As a decision within the meaning of Article 25 of the Charter, that resolution applied to all States, meaning that all States were required to cooperate fully with the Tribunal, even if that obliged them to amend certain provisions of their domestic law. The speaker also made comments relating to the Statute of the Tribunal.<sup>721</sup>

The representative of the United States stated that the crimes being committed in the former Yugoslavia were often the systematic and orchestrated crimes of Government

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<sup>720</sup> S/PV.3217, pp. 6-10.

<sup>721</sup> *Ibid.*, pp. 10-12.

officials, military commanders, and disciplined artillerymen and foot soldiers. The men and women behind those crimes were individually responsible for the crimes of those they purported to control; the fact that their power was often self-proclaimed did not lessen their culpability. Addressing those “who derided the tribunal as being powerless because the suspects may avoid arrest”, she argued that the tribunal would issue indictments whether or not suspects could be taken into custody. While they might be able to hide within the borders of Serbia or in parts of Bosnia or Croatia, they would be imprisoned for the rest of their lives within their own land. She further stressed that under the resolution just adopted every Government, including each one in the former Yugoslavia, would be obliged to hand over those indicted by the Tribunal.

Regarding resolution 827 (1993), she made the following remarks. First, the United Nations Commission of Experts would continue to pursue its work of establishing a database and preparing evidence during the interim period before the appointment of the Tribunal’s Prosecutor, and hiring of staff to begin authoritative investigations and preparations for trials. At the appropriate time, her delegation expected that the Commission would cease to exist and its work would be “folded” into the Prosecutor’s office. Secondly, States were encouraged to submit proposals for the rules of evidence and procedure for consideration by the judges of the Tribunal. Thirdly, States should take measures under their domestic law to enable them to implement the provisions of the Statute. The speaker also commented on the Statute of the Tribunal.<sup>722</sup>

The representative of the United Kingdom stated that all parties in the former Yugoslavia shared some responsibility for the crimes committed and that it was important to emphasize that the Council’s action of that day was not aimed at one party alone. The Security Council had repeatedly demanded the immediate cessation of such atrocities, but those demands had not been heeded. It was essential that those who committed such acts be in no doubt that they would be held individually responsible and that those atrocities be investigated and the perpetrators called to account. The establishment of the Tribunal

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<sup>722</sup> *Ibid.*, pp. 12-17.

was an exceptional step needed to deal with exceptional circumstances. At the same time, the Government of the United Kingdom continued to support the work of the International Law Commission, which would result in the establishment of an international criminal court with general jurisdiction. Like the previous speakers, the speaker commented on the Statute of the Tribunal.<sup>723</sup>

The representative of New Zealand noted that the establishment of the Tribunal and the prosecution of persons suspected of crimes against international humanitarian law were closely related to the wider efforts to restore peace and security to the former Yugoslavia. He stressed that the Tribunal was a court, with the task of applying independently and impartially the rules of customary international law and conventional law applicable in the territory of the former Yugoslavia. The Tribunal must be left to carry out its work until it had discharged its mandate under its Statute or until the Council decided that its work should be brought to an end.<sup>724</sup>

The representative of Japan suggested that perhaps more extensive legal studies could have been undertaken on various aspects of the Statute. At the same time, Japan fully shared the determination of the international community, which called for the exhaustion of all possible measures, including the expeditious establishment of the Tribunal, to put an end to the ongoing atrocities in the former Yugoslavia and to restore justice. That was why Japan supported the adoption of the resolution and why it intended to cooperate in its implementation to the best of its ability, in accordance with the spirit of international established principles on criminal matters and within its Constitution.

The speaker contended that the Statute of the Tribunal reflected the way of thinking of the Security Council. First, the commencement of activities by the Tribunal in no way relieved the parties of their obligation to enforce international humanitarian law. Secondly, such legal remedies in no way relieved the Security Council of its responsibility to address the Yugoslav crisis in its entirety. Thirdly, cooperation and assistance on the part of the States concerned was essential to guarantee the smooth

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<sup>723</sup> *Ibid.*, pp. 17-19.

<sup>724</sup> *Ibid.*, pp. 22-23.

functioning of the Tribunal. All States must exhaust all means to cooperate in good faith. Before concluding, the speaker stated that the Security Council was obliged to take the exceptional measures it was taking that day. Yet it could not be argued that those measures lay outside the Council's jurisdiction, for the complexity of the threat and the gravity of the crisis had made the Council's action inevitable. On the contrary, it might be argued that, without a comprehensive strategy on the part of the international community, the complex situation in the former Yugoslavia could not be properly addressed.<sup>725</sup>

The representative of Morocco noted that it had always been his delegation's view that an international tribunal must be but one element of a plan, based on the principles of the United Nations Charter, to put an end to Serb aggression, to demand the return of territory acquired by force and "ethnic cleansing" and fully to restore the territorial integrity, unity and sovereignty of Bosnia and Herzegovina. The tribunal must seek to punish serious violations of international humanitarian law in the broadest sense as crimes against international peace and security. He argued that the legitimacy and legality of the tribunal should not be questioned, and that the Tribunal should hand down deterrent sentences both for those who committed crimes and for their accomplices, and should not ignore appropriate compensations for victims and their families, nor the responsibility of States for breaches of international law attributable to them. He also stressed that States had the obligation to cooperate with and support the Tribunal.<sup>726</sup>

The representative of Cape Verde expressed the belief that the establishment of the International Tribunal should be but the first step in a long and complex process. His delegation considered that the establishment of the Tribunal would be a positive step only if it was viewed as closely connected to a suitably comprehensive peace plan capable of preserving international peace and security throughout the territory of the former

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<sup>725</sup> *Ibid.*, pp. 23-26.

<sup>726</sup> *Ibid.*, pp. 26-28.

Yugoslavia. His delegation considered the establishment of the Tribunal to be an instrument for the promotion of international peace and security.<sup>727</sup>

The representative of Pakistan argued that “ethnic cleansing”, genocide and other heinous crimes had been committed in Bosnia and Herzegovina, in flagrant violation of international humanitarian law, with the specific objective of acquiring territory and as a deliberate campaign to exterminate Bosnia and Herzegovina, a sovereign State Member of the United Nations. His delegation hoped that the establishment of the Tribunal would help to halt such crimes and would lead to the vacating by the aggressors of territories forcefully occupied and to the full restoration of the unity, territorial integrity and sovereignty of Bosnia and Herzegovina. Pakistan believed that the resolution just adopted was an important element of the Vance-Owen plan and fell squarely within its ambit. The speaker further stated that the international community must halt the aggression, reverse it through withdrawals from all territories occupied by the use of force and “ethnic cleansing” and restore international legality. He contended that the Security Council needed to move swiftly to take further appropriate and effective enforcement actions in that direction. The Pakistan delegation could not accept, even by implication, the status quo imposed by aggression, the use of force and “ethnic cleansing”, as that would set a dangerous precedent for the civilized world.<sup>728</sup>

The representative of China stated that, bearing in mind the particular circumstances in the former Yugoslavia and the urgency of restoring and maintaining world peace, the Chinese delegation had voted in favour of the resolution just adopted. He cautioned, however, that that should not be construed as an endorsement of the legal approach involved. China had always held that, to avoid setting any precedent for abusing Chapter VII of the Charter, a prudent attitude should be adopted with regard to the establishment of an international tribunal by means of Security Council resolutions under Chapter VII. It was the consistent position of the Chinese delegation that an international tribunal should be established by concluding a treaty so as to provide a solid

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<sup>727</sup> *Ibid.*, pp. 28-31.

<sup>728</sup> *Ibid.*, pp. 31-32.

legal foundation for it and ensure its effective functioning. Furthermore, the Statute of the International Tribunal just adopted was a legal instrument with the attributes of an international treaty, involving complicated legal and financial questions. It ought to become effective only after having been negotiated and concluded by sovereign States and ratified by their national legislative organs in accordance with domestic laws. Therefore, to adopt by a Security Council resolution a Statute that gave the Tribunal both preferential and exclusive jurisdiction was not in compliance with the principle of State judicial sovereignty. The adoption of the Statute of the International Tribunal by the Security Council through a resolution invoking Chapter VII meant that United Nations Member States must implement it to fulfil their obligations under the Charter. That would bring many problems and difficulties both in theory and in practice. For that reason, China had consistently maintained its reservations. In short, the Chinese delegation emphasized that the International Tribunal established in the current manner could only be an *ad hoc* arrangement, suited only to the special circumstances of the former Yugoslavia. It should not constitute a precedent.<sup>729</sup>

The representative of Brazil observed that the proposals for the establishment by the Security Council of an international tribunal had posed intricate and not unimportant legal difficulties, many of which had not been resolved to the satisfaction of his delegation. It had only been the consideration of the “unique and exceptionally serious circumstances” in the former Yugoslavia that had determined the vote cast by Brazil on the resolution just adopted. The positive Brazilian vote should not be construed as an overall endorsement of legal formulas involved in the foundation or in the Statute of the International Tribunal.

The speaker believed that the matter should also have been brought to the attention of the General Assembly. The views of the Brazilian Government on the main legal issues had been expressed when the Council had adopted resolution 808 (1993). In particular, Brazil had expressed the view that the most appropriate and effective method

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<sup>729</sup> *Ibid.*, pp. 33-34.

for establishing the International Tribunal would have been the conclusion of a convention setting up an *ad hoc* international criminal jurisdiction and containing the terms of reference for its exercise. The option of establishing the Tribunal through a resolution of the Security Council, which Brazil had not favoured, left unresolved a number of serious legal issues relating to the powers and competencies attributed to the Council by the United Nations Charter. It was the view of the Brazilian delegation that the resolution just adopted was aimed at addressing a specific and unique situation with a view to producing one specific result: bringing to justice the persons responsible for serious violations of international humanitarian law in the former Yugoslavia. Both the resolution and the Statute it adopted were thus not meant to establish new norms or precedents of international law. The representative of Brazil stated that by adopting the resolution, the Council was not creating, nor purporting to legislate, international humanitarian law. Rather, the International Tribunal would have the task of applying existing norms of international humanitarian law. Before concluding, the speaker noted that for the work of the International Tribunal to be effective, it would need to receive the fullest cooperation from all States. That was a clear obligation resulting from the resolution just adopted.<sup>730</sup>

The representative of Spain stated that the Statute of the Tribunal could be improved upon. Nevertheless, Spain had preferred to retain the form proposed by the Secretary-General in its entirety for several reasons. First, certain clarifications could be found by reading the Statute in the light of the explanations provided in the Secretary-General's report with respect to each Article. Other clarifications could be contributed by the Tribunal itself when it drafted its rules of procedure and began carrying out its judicial activities. Moreover, the goal of restoring peace in the territory of the former Yugoslavia required prompt action, which might have been compromised through a prolonged and detailed discussion of a Statute which satisfied the fundamental prerequisites for ensuring the achievement of that goal. Although the Statute lacked express provisions in that respect, the tribunal was clearly an independent organ and that

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<sup>730</sup> *Ibid.*, pp. 34-37.



such independence was not at all incompatible with the Tribunal's formal character as a subsidiary organ of the Council, as was borne out by the International Court of Justice with respect to the United Nations Administrative Tribunal and its relations with the General Assembly. Second, the Tribunal was an impartial body governed by the law itself in fulfilling its duties. Its jurisdiction encompassed all of the territory of the former Yugoslavia and actions by all parties involved in the conflict. Third, as there was a wish for the Tribunal to be effective, it was indispensable to impose upon States an obligation to cooperate with the Tribunal that was based upon Chapter VII of the Charter. That obligation implied the duty to promulgate any domestic legal measures that might be necessary. A particularly important feature of that obligation was the primacy accorded the International Tribunal over national courts. Lastly, the resolution created an *ad hoc* body with a jurisdiction limited not only geographically and temporally, but also materially, in that it would be circumscribed to applying the international law in force. In fact, with the establishment of the Tribunal the aim was not to create new international law nor to change existing law, but to guarantee respect for that law.<sup>731</sup>

The President, speaking in his capacity as the representative of the Russian Federation, stated that his delegation favoured the establishment of the International Tribunal because it saw it as an instrument of justice to restore international legality and the faith of the world community in the triumph of justice and reason. That was why the Security Council had assumed, in accordance with the Charter of the United Nations, the responsibility for implementing the appropriate specific measures contained in the resolution just adopted, including the establishment of the International Tribunal. While supporting the tribunal, the Russian delegation believed that that body would not abolish nor replace national tribunals. The speaker further stated that the establishment of the International Tribunal, apart from possessing great juridical meaning, also represented an important political act taken by the international community, which at the same time fulfilled a preventive function and promoted the restoration of peace in the region.<sup>732</sup>

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<sup>731</sup> *Ibid.*, pp. 38-41.

<sup>732</sup> *Ibid.*, pp. 43-46.

**Decision** of 20 August 1993 (3265<sup>th</sup> meeting): resolution 857 (1993)

At its 3265<sup>th</sup> meeting, on 20 August 1993, the Council resumed its consideration of the item and included in its agenda the sub-item: “Establishment of the list of candidates for judges”. Following the adoption of the agenda, the President (United States) drew the attention of the Council members to the text of a draft resolution<sup>733</sup> that had been prepared in the course of the Council’s prior consultations and to revisions to be made to the draft in its provisional form.

The draft resolution was then put to the vote as orally revised in its provisional form and it was adopted unanimously as resolution 857 (1993). The resolution reads as follows:

*The Security Council,*

*Recalling* its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,

*Having decided* to consider the nominations for Judges of the International Tribunal received by the Secretary-General before 16 August 1993,

*Establishes* the following list of candidates in accordance with article 13 of the statute of the International Tribunal:

- Mr. Georges Michel ABI-SAAB (Egypt)
- Mr. Julio A. BARBERIS (Argentina)
- Mr. Raphaël BARRAS (Switzerland)
- Mr. Sikhe CAMARA (Guinea)
- Mr. Antonio CASSESE (Italy)
- Mr. Hans Axel Valdemar CORELL (Sweden)
- Mr. Alfonso DE LOS HEROS (Peru)
- Mr. Jules DESCHENES (Canada)
- Mr. Jerzy JASINSKI (Poland)
- Mr. Heike JUNG (Germany)
- Mr. Adolphus Godwin KARIBI-WHYTE (Nigeria)

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<sup>733</sup> S/26331.

Mr. Valentin G. KISILEV (Russian Federation)  
Mr. Germain LE FOYER DE COSTIL (France)  
Mr. LI Haopei (China)  
Ms. Gabrielle Kirk McDONALD (United States of America)  
Mr. Amadou N'DIAYE (Mali)  
Mr. Daniel David Ntanda NSEREKO (Uganda)  
Ms. Elizabeth ODIO BENITO (Costa Rica)  
Mr. Hüseyin PAZARCI (Turkey)  
Mr. Moragodage Christopher Walter PINTO (Sri Lanka)  
Mr. Rustam S. SIDHWA (Pakistan)  
Sir Ninian STEPHEN (Australia)  
Mr. Lal Chan VOHRAH (Malaysia)

**Decision** of 21 October 1993 (3296<sup>th</sup> meeting): resolution 877 (1993)

At its 3296<sup>th</sup> meeting, on 21 October 1993, the Council resumed its consideration of the item and included in its agenda the sub-item: “Appointment of the Prosecutor”. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution<sup>734</sup> that had been prepared in the course of the Council’s prior consultations.

The Council then adopted the draft resolution, without a vote, as resolution 877 (1993). The resolution reads as follows:

*The Security Council,*  
*Recalling* its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,  
*Having regard* to article 16, paragraph 4, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

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<sup>734</sup> S/26608.

*Having considered* the nomination by the Secretary-General of Mr. Ramón Escovar-Salom for the position of Prosecutor of the International Tribunal,  
*Appoints* Mr. Ramón Escovar-Salom as Prosecutor of the International Tribunal.

**Decision** of 8 July 1994 (3401<sup>st</sup> meeting): resolution 936 (1994)

At its 3401<sup>st</sup> meeting, on 8 July 1994, the Council resumed its consideration of the item and included in its agenda the sub-item: “Appointment of the Prosecutor”. Following the adoption of the agenda, the President (Pakistan) drew the attention of the Council members to the text of a draft resolution<sup>735</sup> that had been prepared in the course of the Council’s prior consultations.

The Council then adopted the draft resolution, without a vote, as resolution 936 (1994). The resolution reads as follows:

*The Security Council,*  
*Recalling* its resolutions 808 (1993) of 22 February 1993 and 827 (1993) of 25 May 1993,  
*Having regard* to article 16, paragraph 4, of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,  
*Having considered* the nomination by the Secretary-General of Mr. Richard J. Goldstone for the position of Prosecutor of the International Tribunal,  
*Appoints* Mr. Richard J. Goldstone as Prosecutor of the International Tribunal.

**Decision** of 25 July 1994: letter from the President

By a letter<sup>736</sup> dated 14 July 1994 addressed to the President of the Security Council, the Secretary-General transmitted copies of the agreement between the United Nations and the Netherlands concerning the Headquarters of the International Tribunal

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<sup>735</sup> S/1994/805.

<sup>736</sup> S/1994/848.

for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia since 1991 and requested that the Security Council confirmed that the arrangements were acceptable and that the seat of the Tribunal had been determined to be at the Hague.

By a letter<sup>737</sup> dated 25 July 1994, the President of the Security Council informed the Secretary-General as follows:

"I have the honour to refer to your letter of 14 July 1994 transmitting copies of the agreement between the United Nations and the Kingdom of the Netherlands concerning the Headquarters of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the Agreement for Tenancy of Churchillplein 1, The Hague.

"I have the honour to inform you that, in accordance with paragraph 6 of its resolution 827 (1993) of 25 May 1993 and without prejudice to consideration of the arrangements by the General Assembly, the Security Council finds the arrangements between the United Nations and the Netherlands acceptable. The Council confirms that the seat of the Tribunal has been determined to be in The Hague."

**Decision of 23 September 1994: letter from the President**

By a letter<sup>738</sup> dated 23 September 1994, the President of the Security Council informed the Secretary-General as follows:

"Article 27 of the statute of the International Tribunal for the Former Yugoslavia, adopted by the Security Council in its resolution 827 (1993) of 25 May 1993, prescribes that imprisonment imposed by the International Tribunal on a convicted person shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Council their willingness to accept convicted persons. In the report on the statute of the International Tribunal presented by the Secretary-General to the Council, it is suggested that

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<sup>737</sup> S/1994/849.

<sup>738</sup> S/1994/1090.

the Council make appropriate arrangements to obtain from States an indication of their willingness to accept convicted persons. This information would be communicated to the Registrar of the International Tribunal who would prepare a list of States in which the enforcement of sentences would be carried out.

"On behalf of the Security Council, I hereby kindly request that you assist the Council in obtaining such indications from States."

## The situation prevailing in and adjacent to the United Nations Protected Areas in Croatia

### INITIAL PROCEEDINGS

By a letter<sup>739</sup> dated 25 January 1993 addressed to the President of the Security Council, 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 UNPROFOR personnel in those areas had been subjected.

At its 3163<sup>rd</sup> meeting, held on 25 January 1993 in response to the request contained in the above 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 Council members to the text of a draft resolution<sup>740</sup> that had been prepared in the course of the Council's prior consultations and to a revision<sup>741</sup> that had been made to the draft. He also drew the attention of the Council members to two letters<sup>742</sup> 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. 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

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<sup>739</sup> S/25156.

<sup>740</sup> S/25160.

<sup>741</sup> S/PV.3163, pp. 2-3.

<sup>742</sup> S/25154 and S/25159.

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 French Government 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-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.<sup>743</sup>

**Decision** of 25 January 1993 (3163<sup>rd</sup> meeting): resolution 802 (1993)

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<sup>743</sup> S/PV.3163, pp. 3-4.



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

*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 peace-keeping 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 cease-fire arrangements already agreed and cooperate fully and unconditionally in the implementation of the United Nations peace-keeping 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 peace-keeping 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.<sup>744</sup>

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

At its 3165<sup>th</sup> 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<sup>745</sup> on behalf of the Council:

“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 peace-keeping 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.”

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

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<sup>744</sup> *Ibid.*, pp. 6-7.

<sup>745</sup> S/25178.

At its 3231<sup>st</sup> 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<sup>746</sup> on behalf of the Council:

“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 (3255<sup>th</sup> meeting): statement by the President

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<sup>746</sup> S/25897.

At its 3255<sup>th</sup> meeting, on 15 July 1993, the Council included a letter<sup>747</sup> dated 14 July 1993 from the Secretary-General addressed to the President of the Security Council in its agenda. The Secretary-General informed the Council that, in a letter dated 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<sup>748</sup> 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.

The President then stated that, after consultations among members of the Security Council, he had been authorized to make the following statement<sup>749</sup> on behalf of the Council:

“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.<sup>67</sup> 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 cease-fire arrangements already

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<sup>747</sup> S/26082.

<sup>748</sup> S/26074.

<sup>749</sup> S/26084.

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 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 (3260<sup>th</sup> meeting): statement by the President

At its 3260<sup>th</sup> 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<sup>750</sup> on behalf of the Council:

“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).

“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 cease-fire.

“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<sup>751</sup> dated 20 August 1993 addressed to the President of the Security Council, 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 (UNPAs) in

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<sup>750</sup> S/26199.

<sup>751</sup> S/26373.

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 Ovchara near Vukovar. The Secretary-General believed that this task could best be carried out by including the unit, on a temporary basis, in the United Nations Protection Force (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<sup>752</sup> of 27 August 1993, the President of the Security Council informed the Secretary-General as follows:

“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 Ovchara near Vukovar, in the United Nations 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 (3491<sup>st</sup> meeting): statement by the President

At its 3491<sup>st</sup> meeting, on 17 January 1995, the Council included a letter<sup>753</sup> dated 12 January 1995 from the representative of Croatia addressed to the Secretary-General in its agenda. By that letter, the representative of Croatia transmitted a letter of the same

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<sup>752</sup> S/26374.

<sup>753</sup> S/1995/28.



date from the President of the Republic 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<sup>754</sup> on behalf of the Council:

"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 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

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<sup>754</sup> S/PRST/1995/2.

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 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."