

31 March 1995, 1147 (1998) of 13 January 1998, 1183 (1998) of 15 July 1998 and 1222 (1999) of 15 January 1999,

Having considered the report of the Secretary-General of 8 July 1999 on the United Nations Mission of Observers in Prevlaka,

Recalling the letter to the President of the Security Council dated 18 June 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations and the letter dated 25 June 1999 from the Permanent Representative of Croatia to the United Nations, concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting once again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Reiterating its concern that long-standing violations of the demilitarization regime by both parties continue, including the standing presence of military personnel of the Federal Republic of Yugoslavia military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and limitations placed on the free movement of United Nations military observers by both parties,

Expressing its concern about more recent, additional violations of the demilitarized zone, in particular the presence there of troops of the Federal Republic of Yugoslavia,

Noting with satisfaction that the opening of crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zones continues to facilitate civilian and commercial traffic in both directions without security incidents and continue to represent a significant confidence-building measure in the normalization of relations between the two parties, and urging the parties to utilize these openings as a basis for further confidence-building measures to achieve the normalization of relations between them,

Reiterating its serious concerns about the lack of substantive progress towards a settlement of the disputed issue of Prevlaka in the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, and calling upon the parties to resume discussions,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Commending the role played by the Mission, and noting also that the presence of the United Nations military observers continues to be essential to maintain conditions that are

conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 2000;

2. *Reiterates its call upon* the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and to improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. *Requests* the Secretary-General to report by 15 October 1999 with recommendations and options further to develop confidence-building measures between the parties aimed, inter alia, at further facilitating freedom of movement of the civilian population;

4. *Urges once again* that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

5. *Requests* the parties to continue to report at least bimonthly to the Secretary-General on the status of their bilateral negotiations;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1247 (1999) of 18 June 1999 to cooperate fully with each other;

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

C. The situation in Bosnia and Herzegovina

Decision of 4 April 1996 (3647th meeting): statement by the President

On 29 March 1996, pursuant to Security Council resolution 1035 (1995), the Secretary-General submitted to the Council a progress report on the establishment of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which included the International Police Task Force in Bosnia and Herzegovina.¹⁰⁷ In his report, the Secretary-General stated that it was evident that military undertakings

¹⁰⁷ S/1996/210.

under the General Framework Agreement for Peace in Bosnia and Herzegovina¹⁰⁸ had been complied with under the powerful presence of the Multinational Military Implementation Force. A relatively stable military environment had been established for the implementation of the extremely complex political and civilian undertakings contained in the Agreement. Over the last month, UNMIBH, and especially the Task Force, had been predominantly concerned with the transfer of the Bosnian Serb-controlled suburbs of Sarajevo to the authority of the Federation of Bosnia and Herzegovina, to achieve the reunification of the city under the terms of the Peace Agreement. He noted that the bitterness, fears and hatred created by the four years of war were the underlying forces that had led to the exodus of the Bosnian Serb population of Sarajevo. However, the Bosnian Serb and the Federation authorities bore a great responsibility for the setback, as they had not shown any determination to reassure and persuade the Serb population to stay on. A number of Bosnian Serb Sarajevans might consider returning to Sarajevo, if they felt that conditions there were secure enough, especially if they could regain access to their homes upon return. He underlined that the Federation authorities would have to adopt a radically different policy towards reconciliation if they wished to encourage the reconstitution of a multicultural Sarajevo. Meanwhile, the challenge remained to strengthen the links between the two entities¹⁰⁹ to whom the Peace Agreement had assigned considerable autonomy and constitutional authority. He noted that the restoration of some degree of confidence at the political level was essential for the parties to work together in Bosnia and Herzegovina. Within the Federation, persistent strains between the two partners were a major cause for concern, and he underlined that, unless the two communities made determined and sustained efforts to avoid conflict, establish cantons as agreed and strengthened Federation structures, divisive trends would increase. The Secretary-General stated that it was in the midst of those tensions that UNMIBH and its principal component, the Task Force, were operating. He stressed that annex (11) to the Peace Agreement envisaged the Task Force as an unarmed monitoring and advisory force. It was on that basis that

¹⁰⁸ Negotiated at Dayton, Ohio, and signed in Paris on 14 December 1995 (S/1995/999).

¹⁰⁹ The Federation of Bosnia and Herzegovina, and Republika Srpska.

the Security Council had authorized its deployment and contributing Governments had provided personnel. It was therefore not feasible to assign to the unarmed force the task of enforcing law and order in a country awash with weapons, particularly when it had no legal authority to do so. He stressed that UNIMBH faced uncertainties related to the dilemma that would arise, if IFOR was withdrawn as anticipated by the end of the year, and reiterated that the mandate of the Task Force ought to be coterminous with that of IFOR. It was unrealistic to envisage a civilian police operation continuing its work without the framework of security provided by the presence of a credible international military force. Finally, he stated that, as peace could not be durable unless it was accompanied by justice, those individuals indicted by the International Tribunal for the Former Yugoslavia had to be brought to trial.

By a letter dated 13 March 1996 addressed to the President of the Security Council,¹¹⁰ the Secretary-General transmitted the first report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina, which covered the period from the signature of the Peace Agreement in Paris on 14 December 1995 to the beginning of March 1996, and the establishment of the Headquarters of the High Representative in Sarajevo as well as of a secretariat in Brussels.

At its 3647th meeting, held on 4 April 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letter in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of 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 to a letter dated 22 March 1996 from the Secretary-General addressed to the President of the Security Council, conveying a communication from the Secretary-General of the North Atlantic Treaty Organization (NATO), transmitting the fourth report on the operations of the Implementation Force;¹¹¹ and a letter dated 26 March 1996 from the representatives of France, Germany, Italy, the Russian Federation, the United Kingdom and the United States addressed to the

¹¹⁰ S/1996/190.

¹¹¹ S/1996/215.

Secretary-General,¹¹² transmitting the text of the final document of the Contact Group Ministerial meeting, dated 23 March 1996. He further drew the attention of the Council to a letter dated 4 April 1996 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council,¹¹³ asserting that the Government of Bosnia and Herzegovina had undertaken all measures requested of it, including ensuring the security of the Serb population that lived in the previously Serb-controlled suburbs of Sarajevo.

At the same meeting, the President made the following statement on behalf of the Council:¹¹⁴

The Security Council has considered the report of the Secretary-General of 29 March 1996 submitted pursuant to its resolution 1035 (1995) of 21 December 1995, and the report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina, annexed to the letter from the Secretary-General to the President of the Security Council dated 13 March 1996. The Council welcomes both reports.

The Council notes that, on the whole, the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") is proceeding according to the timetable established by the Agreement. It also notes, in general, satisfactory compliance with the military aspects of the Peace Agreement, as confirmed in the most recent report to the Council on the operations of the Implementation Force, and stresses that now the main emphasis in implementation efforts by the international community and the Bosnian parties themselves should shift to the civil aspects of the Agreement.

The Council stresses that the responsibility for implementing the Peace Agreement rests primarily with the parties to the Agreement. It demands that they fully implement the Peace Agreement and demonstrate a genuine commitment to confidence and security-building measures, regional arms control, reconciliation and the building of a common future. In that context, it demands that the parties comply fully, unconditionally and without any further delay with their commitments regarding the release of prisoners, implementation of the constitutional framework, withdrawal of foreign forces, ensuring freedom of movement, cooperation 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, return of refugees and respect for human rights and international humanitarian law. It calls upon the authorities concerned with the Federation of Bosnia and

Herzegovina to move forward vigorously on measures to strengthen the Federation and, to that end, to implement in full the Sarajevo agreement concluded on 30 March 1996.

The Council is particularly concerned at the failure to date by all parties to comply fully with the provisions of the Peace Agreement concerning the release of prisoners, in spite of the repeated commitments by the parties to do so. The Council stresses that the obligation to release the prisoners is unconditional. Failure to do so constitutes a serious case of non-compliance. In this context, the Council affirms its support for the conclusions of the Contact Group Ministerial Meeting of 23 March 1996 and notes the readiness of the High Representative to propose measures to be taken against any party that fails to comply.

The Council expresses its full support for the High Representative who is in charge of monitoring the implementation of the Peace Agreement and mobilizing and, as appropriate, giving guidance to, and coordinating the activities of, the civilian organizations and agencies involved, in accordance with resolution 1031 (1995). It also expresses its full support for the United Nations Mission in Bosnia and Herzegovina and other international institutions and organizations involved in the implementation of the Peace Agreement. It affirms that the implementation of the Peace Agreement must be strict, just and impartial.

The Council expresses its strong support for the International Police Task Force in Bosnia and Herzegovina of the United Nations Mission in Bosnia and Herzegovina. It notes that an effective United Nations civilian police operation is vital to the implementation of the Peace Agreement and encourages the Task Force to implement its mandate as actively as possible consistent with annex 11 of the Peace Agreement, as referred to in resolution 1035 (1995). The Council, bearing in mind the agreement of the parties in annex 11 of the Peace Agreement not to impede the movement of Task Force personnel or in any way hinder, obstruct or delay them in the performance of their responsibilities, calls upon the parties to allow Task Force personnel immediate and complete access to any site, person, activity, proceeding, record, or other item or event in Bosnia and Herzegovina as the Task Force may request. It notes with appreciation the participation of Member States in the staffing of the Task Force and urges those Member States which have agreed to provide civilian police to dispatch expeditiously fully qualified personnel to enable the Task Force to reach full deployment by mid-April. It encourages the Task Force to accelerate the deployment of police monitors, consistent with maintaining their high quality. The Council also expresses its strong support for the Mine Action Centre of the Mission in Bosnia and Herzegovina and encourages States to contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.

The Council recognizes that economic reconstruction and rehabilitation throughout the territory of Bosnia and Herzegovina are key factors for the overall success of the peace implementation process, reconciliation and reintegration. These

¹¹² S/1996/220.

¹¹³ S/1996/242.

¹¹⁴ S/PRST/1996/15.

tasks require the political will of and consistent efforts by the Bosnian parties as well as substantial international assistance. The Council urges that priority be given to projects aimed at facilitating the process of reconciliation and the economic reintegration of the whole country. It notes with appreciation the resources that have already been made available in this respect. It calls upon States and international institutions to honour fully their commitments regarding economic and financial assistance to Bosnia and Herzegovina. The Council recalls the relationship, as described in 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. It affirms that it is the parties themselves that have the most important role in re-establishing the economy of their country.

The Council expresses its deep concern over recent developments in the Sarajevo area which caused thousands of Bosnian Serb civilians to leave their homes. The Council calls upon the parties to make greater efforts towards reconciliation and the reconstitution of a multicultural and multi-ethnic Sarajevo, as a city of Bosniacs, Serbs, Croats, and others, and as the capital and seat of the future common institutions of Bosnia and Herzegovina. It further calls upon the parties to put in place additional measures to ensure security, freedom of movement and conditions for the return of people affected in Sarajevo and all other transferred areas. The Council calls upon the parties to reverse the trend of population movements and partition efforts in Bosnia and Herzegovina along ethnic lines.

The Council pays tribute to all those who have given their lives in the cause of peace in the former Yugoslavia and expresses its condolences to their families, including to the family of the Secretary of Commerce of the United States of America.

The Council requests the Secretary-General and the High Representative to continue to keep the Council regularly informed on the situation in Bosnia and Herzegovina and on the implementation of the Peace Agreement.

**Decision of 8 August 1996 (3687th meeting):
statement by the President**

By a letter dated 9 July 1996 addressed to the President of the Security Council, the Secretary-General transmitted the report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina.¹¹⁵ In the report, the High Representative identified substantial shortcomings in the implementation of the Peace Agreement and stressed that the resolution of those issues was inextricably linked to the creation of a stable peace in Bosnia and Herzegovina. While some

¹¹⁵ S/1996/542.

progress had been made, the severity of abuses in places such as Teslic and the Sarajevo suburbs belied the conclusion that, with time, the parties would make the necessary changes to ensure respect for human rights without outside pressure. He cautioned that there was troubling evidence of a trend not only to accept, but also to institutionalize, ethnic separation. He underlined that the parties needed to work actively to create conditions conducive to the return of members of minority groups to their homes and to ensure that vulnerable persons, including those with opposing political views, were able to return and live in safety. He then called upon the parties to implement a range of urgent measures relating to cooperating with human rights institutions and organizations, and addressing human rights abuses.

By a letter dated 11 July 1996 addressed to the President of the Security Council,¹¹⁶ 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 reported that a Trial Chamber of the Tribunal had delivered a decision under rule 61 of the Tribunal's Rules of Procedure and Evidence in the case of Radovan Karadžić and Ratko Mladić, and had found that there were reasonable grounds for believing that they were individually responsible for planning, instigating or ordering the commission of genocide, crimes against humanity and war crimes. Consequently, the Trial Chamber had issued international arrest warrants against the two accused. He also notified the Council that the failure to execute the initial arrest warrants against the two accused was wholly due to the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal in accordance with article 29 of its Statute. He was therefore duty-bound to bring to the attention of the Security Council the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal, so that the Council could decide upon the appropriate response.

At its 3687th meeting, held on 8 August 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letters in its agenda. Following the adoption of the agenda, the

¹¹⁶ S/1996/556.

President (Germany), with the consent of 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 to letters dated 2, 3, 18 and 22 July 1996, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council,¹¹⁷ which called upon all parties to honour their obligations and commitments under the Dayton/Paris Agreement with respect to the International Tribunal for the Former Yugoslavia and called for the arrest and extradition to The Hague of indicted war criminals. The President further drew the attention of the Council to a letter dated 8 July 1996 from the representative of Guinea addressed to President of the Security Council, which reported that the Contact Group of the Organization of the Islamic Conference endorsed the contents of the letter dated 2 July 1996 from Bosnia and Herzegovina and urged the Security Council to impose sanctions on those parties which did not fully comply with the orders of the Tribunal, to seek the arrest and extradition of war criminals by the international force and to declare that elections could not be held before the apprehension of indicted war criminals.¹¹⁸

At the same meeting, the President made the following statement on behalf of the Council:¹¹⁹

The Security Council has considered the report of the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina annexed to the letter from the Secretary-General to the President of the Council dated 9 July 1996.

The Council expresses its full support for the conclusions reached at the meeting of the Peace Implementation Council in Florence, Italy, on 13 and 14 June 1996. It stresses the importance of the forthcoming elections in Bosnia and Herzegovina, to be carried out in accordance with the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), which will allow for the establishment of the common institutions and which will be an important milestone for normalization in Bosnia and Herzegovina. It calls upon the parties to ensure the prompt functioning of these institutions after the elections. It supports the preparatory work done in this regard.

¹¹⁷ S/1996/510, S/1996/523, S/1996/565 and S/1996/576.

¹¹⁸ S/1996/535.

¹¹⁹ S/PRST/1996/34.

The Council expects the parties to increase their efforts towards the maintenance and further enhancement of conditions necessary to ensure democratic elections, as provided for in article I of annex 3 of the Peace Agreement, and to abide fully by the results of those elections. In that context, the Council stresses the importance of the agreement reached by the Bosniac and Bosnian Croat leaderships in Mostar and facilitated by the European Union Administration of Mostar that has at last secured Bosnian Croat participation in a unified city administration in Mostar on the basis of the election results of 30 June 1996. The Council expects the Bosniac and Bosnian Croat leaderships in Mostar to implement this agreement fully and without delay, and stresses that failure to do so would seriously undermine crucial efforts to ensure lasting peace and stability in Bosnia and Herzegovina. It expresses its full support for the international organizations that are currently working in Mostar and in particular for the European Union Administration of Mostar, and calls upon both leaderships to cooperate fully with the Administration. It calls upon the Government of the Republic of Croatia, which bears a special responsibility in this context, to continue to use its influence on the Bosnian Croat leadership to ensure full compliance with its obligations. The Council will continue to follow closely the situation in Mostar.

The Council underlines the fact that the continued lack of progress in transferring authority and resources to the Federation of Bosnia and Herzegovina is a potential danger for the peace implementation process. The Council calls upon the Federation partners to accelerate their efforts for the establishment of a fully functioning Federation, which is an essential prerequisite for peace in Bosnia and Herzegovina.

The Council notes with particular concern the conclusions of the High Representative, contained in his report on the implementation of the human rights provisions of the Peace Agreement, that the parties are not implementing their commitments in respect of human rights and that this failure is impeding the return of refugees. It condemns all acts of ethnic harassment. It calls upon the parties to the Peace Agreement to take immediately the measures identified in the report to stop the trend of ethnic separation in the country and in its capital, Sarajevo, and to preserve their multi-cultural and multi-ethnic heritage. The Council deeply regrets the undue delay in implementing measures regarding, inter alia, the development or creation of new independent media and the preservation of property rights, and calls upon each party to implement them immediately. The Council is ready to consider further reports by the Office of the High Representative on all aspects of the implementation of the Peace Agreement, including those mentioned above.

The Council stresses that, under the Peace Agreement, persons indicted 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 who have failed to comply with an order to appear before the Tribunal may not stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina. Any continued holding of such an office is unacceptable. In this context, the Council notes the fact that, as a first step, Radovan Karadzic, after officially handing over his executive powers in the Republika Srpska on 30 June 1996, agreed on 19 July 1996 to cease definitively all political and official activities, thus facilitating the electoral process in Bosnia and Herzegovina. The Council expects this undertaking to be implemented fully and in good faith and will closely monitor further developments.

The Council stresses that all States and concerned parties have an obligation, in accordance with resolution 827 (1993) of 25 May 1993, other relevant resolutions and the Peace Agreement, to cooperate fully with the International Tribunal and to comply without exception with requests for assistance or orders issued by a Trial Chamber. The Council has considered the letter from the President of the International Tribunal dated 11 July 1996, which referred to the conclusion of a Trial Chamber of the Tribunal regarding the failure to execute the warrants of arrest issued against Radovan Karadzic and Ratko Mladic owing to the refusal of the Republika Srpska and the Federal Republic of Yugoslavia to cooperate with the Tribunal. It condemns this failure to execute these arrest warrants. The Council notes the recent visit by the delegation from the Republika Srpska to the International Tribunal in The Hague for the purpose of discussing all aspects of cooperation with the Tribunal, and expects that cooperation with the Tribunal to bring to justice all persons indicted will be realized. The Council condemns the failure to date of the Bosnian Croat leadership and the Croatian Government to comply with the orders of the International Tribunal regarding several persons indicted for war crimes. The Council demands the full cooperation of all parties concerned in the immediate execution of all arrest warrants and the transfer to the International Tribunal of all persons indicted, in accordance with article 29 of the statute of the Tribunal. The Council further condemns any attempt to challenge the authority of the International Tribunal. The Council underlines the importance of the obligations undertaken by the parties to the Peace Agreement to cooperate fully with the International Tribunal and stresses that failure to arrest and transfer persons indicted by the Tribunal is a violation of these obligations. The Council stresses that compliance with the requests and orders of the International Tribunal constitutes an essential aspect of implementing the Peace Agreement, as provided by previous resolutions; the Council is ready to consider the application of economic enforcement measures to ensure compliance by all parties with their obligations under the Peace Agreement.

The Council condemns any threat or act of violence directed against international personnel in Bosnia and Herzegovina, in particular those directed against personnel belonging to the United Nations International Police Task Force on the territory of the Republika Srpska. It condemns also the obstacles put in the way of forensic investigations carried out by international organizations on the territory of the Republika Srpska as well as on the territory of the Federation of Bosnia and Herzegovina. It calls upon all parties to lift those obstacles and to ensure full freedom of movement and safety for all international personnel.

The Council reiterates its full support for the High Representative and for all international organizations currently working in Bosnia and Herzegovina for the implementation of the Peace Agreement. The Council stands ready to consider the need for further action in order to continue and consolidate the efforts made for full implementation of the Peace Agreement. The Council welcomes all initiatives which will lead to a greater degree of stability and cooperation in the whole region.

**Decision of 10 October 1996 (3701st meeting):
statement by the President**

At its 3701st meeting, held on 10 October 1996 in accordance with the understanding reached in its prior consultations, the President (Honduras), with the consent of 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 to a letter dated 8 October 1996 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, which referred to reports that a Presidential statement was being considered by the Security Council with regard to human rights abuses in Srebrenica, Zepa, Banja Luka and Sanski and noted that, since there had not been an appropriate response to the Council's demands in its Presidential statement of 8 August 1996, the Council was now obliged to adopt measures that demanded justice and a durable peace.¹²⁰

At the same meeting, the President made the following statement on behalf of the Council:¹²¹

The Security Council has considered, in the light of its resolution 1034 (1995) of 21 December 1995, the current situation with regard to the investigation of violations of international humanitarian law in the areas of Srebrenica, Zepa,

¹²⁰ S/1996/834.

¹²¹ S/PRST/1996/41.

Banja Luka and Sanski Most as well as in the areas of Glamoc, Ozren and elsewhere throughout the territory of Bosnia and Herzegovina.

The Council recalls the report of the Secretary-General of 27 November 1995.

The Council expresses deep concern about the very little progress achieved so far in these investigations and strongly appeals to all the parties of Bosnia and Herzegovina to make every effort to identify the fate of the missing persons, both for humanitarian and legal purposes.

The Council is concerned that endeavours by the relevant international authorities to identify the fate of the missing by, inter alia, carrying out exhumations have met with limited success largely owing to obstruction by the Republika Srpska. It notes with concern that the fate of only a few hundred missing persons has been established so far.

The Council welcomes the recent visit by the delegation from the Republika Srpska to 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, in The Hague, and expresses the hope that this visit marks a turning point in relations between the Republika Srpska and the International Tribunal and will facilitate cooperation with regard to investigations conducted by personnel of the Tribunal.

The Council condemns all attempts to obstruct the investigations or to destroy, alter, conceal or damage any related evidence. The Council stresses again the obligations of all the parties to cooperate fully and unconditionally with the relevant international authorities and among themselves with respect to such investigations and reminds the parties of their commitment under the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement").

The Council reaffirms that the violations of international humanitarian law throughout the territory of Bosnia and Herzegovina as described in resolution 1034 (1995) must be fully and properly investigated. The Council reiterates that all States and concerned parties have an obligation, in accordance with resolution 827 (1993) of 25 May 1993, other relevant resolutions and the Peace Agreement, to cooperate fully with the International Tribunal and to comply without exception with requests for assistance or orders issued by a Trial Chamber. The Council expresses again its support for the endeavours of the international agencies and authorities involved in these investigations and invites them to pursue and intensify their efforts. It encourages Member States to continue to provide the necessary financial and other support.

The Council will continue to follow this issue closely. It requests the Secretary-General to keep it regularly informed on progress reached in the investigation of the violations of international humanitarian law referred to in the report mentioned above.

Decision of 12 December 1996 (3723rd meeting): resolution 1088 (1996)

On 9 December 1996, pursuant to Security Council resolution 1035 (1995), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina and his recommendations for the future of the United Nations involvement in Bosnia and Herzegovina, based on the recommendations of the London Peace Implementation Conference.¹²² In his report, the Secretary-General observed that, while satisfaction could be drawn from the status of the implementation of the Peace Agreement, much remained to be done, particularly regarding those aspects of the Peace Agreement which would bind together the communities in the country. Noting that much attention at the London Conference had been devoted to the need to ensure that the International Tribunal for the Former Yugoslavia did its work, he called upon all States to detain indicted war criminals and turn them over to the Tribunal, and reiterated that a failure to do so constituted a violation of obligations under international law. On the basis of the requests made by the Peace Implementation Council and his own assessment, he recommended that the Security Council extend the mandate of UNMIBH for another year, until 21 December 1997. He further recommended that the International Police Task Force in Bosnia and Herzegovina have the task of investigating allegations of human rights abuses by police officers or other law enforcement officials of the various authorities of Bosnia and Herzegovina added to its mandate. He noted that if a modest increase in the strength of the Force was needed for that purpose, he would seek approval of the Council at the appropriate time.

By a letter dated 21 November 1996 addressed to the President of the Security Council,¹²³ the Secretary-General transmitted a letter dated 20 November from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina containing the conclusions of the Ministerial Steering Board and of the Presidency of Bosnia and Herzegovina.

¹²² S/1996/1017.

¹²³ S/1996/968.

By a letter dated 5 December 1996 addressed to the Secretary-General,¹²⁴ the representative of the United Kingdom transmitted the conclusions of the London Peace Implementation Conference on Bosnia and Herzegovina, held from 4 to 5 December 1996.

At its 3723rd meeting, held on 12 December 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General and the letters in its agenda. Following the adoption of the agenda, the President (Italy), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Canada, the Czech Republic, Ireland, Malaysia, Norway, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, the Russian Federation, the United Kingdom and the United States.¹²⁵ The President further drew the attention of the Council to a letter dated 9 December 1996 from the Secretary-General addressed to the President of the Security Council,¹²⁶ conveying the communication from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina.

At the same meeting, the President also drew the attention of the Council to a letter dated 9 December 1996 from the Secretary-General addressed to the President of the Security Council,¹²⁷ conveying the exchange of letters between the Secretary-General of the North Atlantic Treaty Organization and the parties to the Dayton Peace Accords concerning the agreement that had been reached for a follow-up force to IFOR, which was to be called the Stabilization Force (SFOR), and be organized and led by NATO.

The representative of Bosnia and Herzegovina emphasized that he was there to represent all of Bosnia and Herzegovina and the Presidency of Bosnia and Herzegovina as a whole and that the Dayton/Paris Peace Agreement was still the foundation of the peace process. While expressing general satisfaction with the draft resolution, he highlighted several issues. First, although the economic recovery and reconstruction had

moved forward, the general and explicit promises of assistance had remained too frequently unrealized. At the same time, at least some members of the Presidency of Bosnia and Herzegovina were in favour of assistance being conditioned on fulfillment of the obligations contained in the Peace Agreement. Second, while progress was being made in the establishment of the new institutions of the central Government of Bosnia and Herzegovina as well as the accommodation of the old institutions, less progress had been achieved on the elements of the Peace Agreement that constituted the reintegration of the country and the real basis for real peace. Third, he reiterated support for the call under the terms of the Dayton/Paris Agreement for regional arms control and military stabilization. He expressed the belief that this was a cornerstone for peace and security in the region. Effective inspections were essential and public reporting of compliance or non-compliance was absolutely determinative under the terms of the Peace Agreement. Fourth, he welcomed the continuing role of the Organization for Security and Cooperation in Europe (OSCE) in supervising the forthcoming municipal elections in Bosnia and Herzegovina. Fifth, he mentioned an issue where there did not seem to be consensus between all the authorities in Bosnia and Herzegovina. This was the call for full cooperation and compliance with the International Criminal Tribunal and its orders, which had been made in the draft resolution, the Peace Agreement and numerous other resolutions and statements of the Security Council. He emphasized that the legal and constitutional requirement for compliance with the Tribunal applied to all equally, and that the central Government had already acted in full consistency with the principle by surrendering to the Tribunal all indicted persons who were under the control of his country's authorities, regardless of whether they were Serbs, Croats or Bosnian Muslims.¹²⁸

The representative of Ireland spoke on behalf of the European Union and the associated and aligned countries.¹²⁹ He noted that the draft resolution was a reaffirmation by the international community that it was willing to support the consolidation of peace and

¹²⁴ S/1996/1012.

¹²⁵ S/1996/1032.

¹²⁶ S/1996/1024.

¹²⁷ S/1996/1025.

¹²⁸ S/PV.3723, pp. 2-5.

¹²⁹ *Ibid.*, p. 5 (Bulgaria, Cyprus, Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia; and Iceland).

democracy in Bosnia and Herzegovina by continuing to provide the necessary stable and secure environment within which the important objectives of the Peace Agreement could be reached. He stressed that it had to be clearly understood that, without the fullest commitment from the authorities of Bosnia and Herzegovina to meeting their obligations under the Peace Agreement, the European Union would have to reconsider the scope of its engagement in the peace process. Noting that the European Union would continue to closely monitor the progress being made and would react, as appropriate, whenever commitments were not being met, he stressed the particular importance of effective action in the following areas: full respect for human rights and fundamental freedoms; marked progress in establishing freedom of movement and communication between the entities; the elimination of obstacles to the early, phased, safe and orderly return of refugees and displaced persons to their homes; full compliance by the authorities in Bosnia and Herzegovina and other States with the orders of the International Tribunal for the Former Yugoslavia; full respect for freedom of expression, including a free and independent media; and the successful holding of municipal elections by summer 1997 under the supervision of OSCE.¹³⁰

The representative of China stated that, although his delegation would vote in favour of the draft resolution, he wished to make three points. First, the deployment of the Stabilization Force was an important, major operation following the Implementation Force, and it should accept the political leadership of the Security Council and report on schedule to the Council on the performance of its tasks. Second, China had reservations with regard to the draft resolution's invocation of Chapter VII of the Charter, regarding the authorization of enforcement measures and the use of force. It was his delegation's view that SFOR had to maintain strict neutrality and fairness and could not misuse force and that, in its operations, it should steadfastly promote peace and stability in Bosnia and Herzegovina. Third, he stated that it was the understanding of the Security Council that the paragraphs of the draft resolution that invoked Chapter VII of the Charter did not apply to part III.¹³¹

¹³⁰ S/PV.3723, pp. 5-7.

¹³¹ *Ibid.*, pp. 14-15.

Speaking before the vote, the representative of the United States stated that his country firmly supported the extension of the mandate of the International Police Task Force on Bosnia and Herzegovina and urged the parties to abide by the Task Force-promulgated internationally accepted principle of policing in a democratic state. He reiterated that all States and parties must cooperate fully with the Tribunal. Noting that SFOR would continue to have the authority to detain indictees when it encountered them, he stated that all States and parties should recognize that there would be consequences for non-cooperation. He also called on the parties to honour commitments that would allow freedom of movement to all, including refugees and displaced persons.¹³²

The representative of Egypt stated that the principle of conditionality in the draft resolution, which linked the availability of international financial assistance and the degree to which all the authorities in Bosnia and Herzegovina implemented the Peace Agreement, including cooperation with the Tribunal and the Action Plan approved by the London Conference, must be implemented so as to differentiate between those who cooperated and those who did not.¹³³

The representative of France stated that his delegation would support the draft resolution and mentioned four main points of agreement between the international community and the authorities of Bosnia and Herzegovina on how to approach the next two years. These were: first, the commitment of all the authorities to participate without reservation in the establishment of a democratic Bosnian State, and second, the obligation to cooperate without reservation with the Tribunal. The other two were the reaffirmation and strengthening of the substantial role of the High Representative whose centrality in the effective implementation of the peace agreement had been confirmed by the experience of the past year; and the more active mandate for the Task Force, although the primary responsibility for progress would once again fall on the Bosnian parties.¹³⁴

The representative of the United Kingdom stated that underlying the approach set out in the Action Plan

¹³² *Ibid.*, pp. 15-16.

¹³³ *Ibid.*, pp. 16-17.

¹³⁴ *Ibid.*, pp. 17-18.

was the principle that responsibility for promoting reconciliation lay with the authorities in Bosnia and Herzegovina. He stressed that the international community's willingness to help them would inevitably depend on the degree to which those authorities shouldered that responsibility. He also noted that one key area in this respect was compliance with the International Tribunal for the Former Yugoslavia.¹³⁵

The representative of the Russian Federation reiterated that the clear primary responsibility for the successful development of the peace process lay with the Bosnians themselves, and their level of cooperation in the implementation of the Peace Agreement would largely determine the degree of involvement of the international community in the process of reconstruction of Bosnia and Herzegovina. He maintained that the experience of the first year of international efforts in support of the Peace Agreement was convincing testimony to the fact that success was possible only on the basis of an impartial approach. Everything had to be equal: the support for the recovery of various regions in Bosnia and Herzegovina and, if necessary, the punishment, including the refusal of economic assistance or the adoption of other measures, for failure to carry out obligations assumed under the Peace Agreement. The draft resolution clearly laid down the principle of equal treatment of the parties. That also applied to the issue of cooperation with the Tribunal, which, as the draft resolution emphasized, was to carry out its responsibilities for dispensing justice impartially. He stressed that the Tribunal should not be used as a political instrument. In his view, success in the incipient stage of the "Bosnian settlement" and in the work of SFOR was guaranteed by the fact that the key parameters, including measures of influence, were supported by all members of the Presidency of Bosnia and Herzegovina and by the leadership of Croatia and the Federal Republic of Yugoslavia, as reflected in the Security Council resolution.¹³⁶

Several other speakers spoke both before and after the vote, welcoming the authorization of SFOR, the subregional arms control agreements and the Peace Implementation Conference and other efforts; calling on all parties to cooperate fully with the Tribunal and

to facilitate freedom of movement and the return of refugees and displaced people; and noting the urgency of economic development. A number of speakers also mentioned the importance of a free media while other speakers noted the importance of economic restoration and the problems of mine clearance.¹³⁷

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1088 (1996), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995 and 1035 (1995) of 21 December 1995,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions reached by the Ministerial Steering Board and the Presidency of Bosnia and Herzegovina at a conference held in Paris on 14 November 1996 (the Paris Conference), and the guiding principles of the two-year civilian consolidation plan of the peace process referred to in those conclusions,

Welcoming also the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 (the London Conference), which, following the conclusions of the Paris Conference, approved an action plan for the first twelve-month period of the civilian consolidation plan of the peace process,

Welcoming further the progress in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement", and expressing its appreciation to the High Representative, the Commander and personnel of the multinational Implementation Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Noting with satisfaction the holding of the elections called for in annex 3 of the Peace Agreement, and welcoming the progress in establishing the common institutions in accordance

¹³⁵ Ibid., pp. 18-19.

¹³⁶ Ibid., p. 22.

¹³⁷ Ibid., pp. 8-9 (Norway); pp. 9-10 (Turkey); pp. 11-12 (Ukraine); pp. 13-14 (Malaysia); pp. 19-20 (Germany); pp. 20-21 (Republic of Korea); pp. 20-22 (Poland); pp. 22-24 (Indonesia); pp. 24-26 (Botswana); pp. 25-26 (Chile); pp. 26-27 (Honduras); pp. 27-28 (Guinea-Bissau); and pp. 28 (Italy).

with the provisions of the Constitution of Bosnia and Herzegovina,

Underlining the important role for the Republic of Croatia and the Federal Republic of Yugoslavia to play in the successful development of the peace process in Bosnia and Herzegovina,

Having considered the report of the Secretary-General of 9 December 1996,

Taking note of the report of the High Representative of 9 December 1996,

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. *Reaffirms its support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

2. *Expresses its support* for the conclusions of the Paris and London Conferences;

3. *Underlines* the fact that the primary responsibility for the further successful implementation of the peace process lies with the authorities in Bosnia and Herzegovina themselves, which during the next two years should assume increasing responsibility for the functions now undertaken or coordinated by the international community, and stresses that without compliance and active participation by all the authorities in Bosnia and Herzegovina in rebuilding a civil society they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

4. *Underlines* the link, as agreed by the Presidency of Bosnia and Herzegovina in the conclusions of the Paris Conference, between the availability of international financial assistance and the degree to which all the authorities in Bosnia and Herzegovina implement the Peace Agreement, including cooperation 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 and cooperation with the action plan which has been approved by the London Conference;

5. *Welcomes* the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stresses the importance of full normalization of relations, including the immediate establishment of diplomatic relations, among those States;

6. *Welcomes* the reaffirmation by the Presidency of Bosnia and Herzegovina in the conclusions of the Paris Conference of its commitment to pursuing the peace process fully, in the name of the three constituent peoples of Bosnia and Herzegovina, in accordance with the Peace Agreement and the sovereignty and territorial integrity of the country, including the development of a Bosnian State based on the principles of democracy and consisting of the two entities, the Federation of Bosnia and Herzegovina and the Republika Srpska, and underlines in this respect the importance of establishing the remaining common institutions provided for in the Constitution of Bosnia and Herzegovina without delay, as well as the importance of the commitment by the authorities in Bosnia and Herzegovina to cooperate in the working of these institutions at all levels;

7. *Reminds* the parties that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal, as it carries out its responsibilities for dispensing justice impartially, and underlines the fact that full cooperation by States and entities with the Tribunal includes, the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

8. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 18 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

9. *Welcomes* the agreement of the authorities in Bosnia and Herzegovina to supervision by the Organization for Security and Cooperation in Europe of the preparation and conduct of the municipal elections to be held in 1997, and also welcomes the decision of that organization to extend the mandate of its mission in Bosnia and Herzegovina to take forward its work on elections, as well as that on human rights and regional stabilization;

10. *Underlines* the obligation of the parties under the Peace Agreement to secure to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, calls upon them to cooperate fully with the work of the Human Rights Ombudsman and the Human Rights Chamber and to implement their conclusions and decisions, and calls upon the authorities in Bosnia and Herzegovina to cooperate fully with 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;

11. *Welcomes* the commitment of the parties to the right of all refugees and displaced persons freely to return to their homes of origin or to other places of their choice in Bosnia and Herzegovina in safety, notes the leading humanitarian role which has been given by the Peace Agreement to the Office of the United Nations High Commissioner for Refugees, in coordination with other agencies involved and under the authority of the Secretary-General, to assist with the repatriation and relief of refugees and displaced persons, and stresses the importance of facilitating the return or resettlement of refugees and displaced persons, which should be gradual and orderly and carried out through progressive, coordinated programmes that address the need for local security, housing and jobs, while ensuring full compliance with annex 7 of the Peace Agreement as well as other established procedures;

12. *Emphasizes* the importance of the creation of conditions conducive to the reconstruction and development of Bosnia and Herzegovina, encourages Member States to provide assistance for the programme of reconstruction in that country, and welcomes in this respect the important contribution already made by the European Union, the World Bank and bilateral donors;

13. *Underlines* the importance of control of armaments in the region at the lowest possible level of weapons, calls upon the Bosnian parties to implement fully and without further delay the agreements signed in Vienna on 26 January 1996 and in Florence on 14 June 1996 and, following satisfactory progress in the implementation of the agreements in articles II and IV of annex 1-B of the Peace Agreement, calls for efforts to continue to promote the implementation of the regional arms control agreement in article V;

14. *Stresses* the importance it attaches to the continuation on a reinforced basis, as agreed at the Paris and London Conferences, of the role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the peace settlement and that in case of dispute he may give his interpretation and make his recommendations, including to the authorities of Bosnia and Herzegovina or its entities, and make them known publicly;

15. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 26 and 34 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

16. *Pays tribute* to those Member States that participated in the multinational force established in accordance with its resolution 1031 (1995), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational implementation force;

17. *Notes* the confirmations by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, and by the Republic of Croatia and the Federal Republic of Yugoslavia of the understandings set out in the letters dated 29 November 1996 from the Secretary-General of the organization referred to in annex 1-A of the Peace Agreement;

18. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to establish for a planned period of eighteen months a multinational Stabilization Force as the legal successor to the Implementation Force, under unified command and control, in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement;

19. *Authorizes* the Member States acting under paragraph 18 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 continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and notes that the parties have consented to the Force taking such measures;

20. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization 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;

21. *Authorizes* the Member States acting under paragraph 18 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 Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

22. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of 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;

23. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

24. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 18 above;

25. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

26. *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;

Noting the request of the authorities in Bosnia and Herzegovina that the mandate of the United Nations civilian police force known as the International Police Task Force, which is a part of the United Nations Mission in Bosnia and Herzegovina, be renewed,

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035 (1995),

Expressing its appreciation to the personnel of the Mission for their contribution to the implementation of the Peace Agreement,

III

27. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 December 1997, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the London Conference and agreed by the authorities in Bosnia and Herzegovina;

28. *Requests* the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies, and to report every three months on the implementation of the mandate of the Mission as a whole, and, in this context, also requests the Secretary-General to report to the Council by 16 June 1997 on the Task Force, in particular its work in assisting the restructuring of law enforcement agencies, coordinating assistance in training and providing equipment, advising law enforcement agencies on guidelines on democratic policing principles with full support for human rights, and investigating or assisting with investigations into human rights abuses by law enforcement personnel, as well as to report on progress by the authorities in Bosnia and Herzegovina in regard to such issues, in particular their compliance with Task Force-prescribed guidelines, including their taking prompt and effective action, which could include dismissal where appropriate, in respect of any officer reported to them by the Task Force Commissioner as failing to cooperate with the Task Force or to adhere to democratic policing principles;

29. *Stresses* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

30. *Reaffirms* the responsibility of the parties to cooperate fully with, and instruct their respective responsible officials and authorities to provide their full support to, the International Police Task Force on all relevant matters;

31. *Expresses appreciation* for the efforts under way to enhance and strengthen the logistical and support capabilities of the Mission by the Secretary-General, and urges that those efforts be increased;

32. *Calls upon* all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of International Police Task Force personnel;

33. *Encourages* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to assist the parties, through the International Police Task Force, in following up the United Nations programme of assistance for the local police forces;

34. *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 and in particular on compliance by the parties with their commitments under the Agreement;

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

Decision of 14 February 1997 (3740th meeting): statement by the President

By a letter dated 14 February 1997 addressed to the President of the Security Council,¹³⁸ the Secretary-General transmitted a communication dated 14 February 1997 from the High Representative, enclosing the decision adopted in Rome on 14 February 1997 by the Arbitral Tribunal for the dispute over the inter-entity boundary in the Brcko area.

At its 3740th meeting, held on 14 February 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the

¹³⁸ S/1997/126.

agenda, the President (Kenya), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:¹³⁹

The Security Council notes the announcement of the decision of 14 February 1997 by the arbitral tribunal on the disputed portion of the Inter-Entity Boundary Line in the Brcko area, pursuant to article V of annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina.

The Council reminds the parties to annex 2 to the General Framework Agreement of their obligation to be bound by the decision of the arbitral tribunal and to implement the decision without delay. The Council underscores the importance of prompt and full cooperation by the parties to the General Framework Agreement and the annexes thereto (collectively the "Peace Agreement") in carrying out their commitments to implement the Peace Agreement in its entirety.

**Decision of 11 March 1997 (3749th meeting):
statement by the President**

By a letter dated 7 March 1997 addressed to the President of the Security Council,¹⁴⁰ the Secretary-General transmitted the executive summary and key findings of the report prepared by the Task Force pursuant to the decisions on Mostar of 12 February 1997. The report covered an incident on 10 February 1997 when police officers fired into a procession marching towards a cemetery.

By another letter dated 7 March 1997 addressed to the President of the Security Council,¹⁴¹ the Secretary-General transmitted a communication dated 7 March 1997 from the Principal Deputy High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The letter, referring to the deliberations of the Security Council on the situation in Mostar, attached the following documents: (a) the text of the decisions from the meeting of 12 February 1997, in which the participants¹⁴² condemned in strongest terms the

violent acts committed in Mostar and all provocative acts preceding the present crisis; and (b) a copy of the letter from the Principal Deputy High Representative addressed to the Chair of the Presidency of Bosnia and Herzegovina and the Member of the Presidency, Mr. Kresimir Zubak, of 24 February 1997.

At its 3749th meeting, held on 11 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letters in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to letters dated 17 February and 3 March 1997, respectively, from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting decisions on Mostar adopted by officials of Bosnia and Herzegovina, and an advance copy of the report of the Task Force in pursuance of the 12 February decisions on Mostar.¹⁴³

At the same meeting, the President made the following statement on behalf of the Council:¹⁴⁴

The Security Council has considered the letter dated 7 March 1997, and the annex thereto, from the Secretary-General to the President of the Security Council concerning the incident on 10 February 1997 involving a violent assault against a group of civilians attempting to visit a graveyard in West Mostar in the presence of the International Police Task Force, in which one person died and others were wounded.

The Council notes that the participants in the meeting of 12 February 1997 referred to in the letter from the Secretary-General agreed, *inter alia*, to request the International Police Task Force to conduct an investigation into that incident, to accept and endorse the report on the investigation in full, and to draw the necessary conclusions concerning the arrest, the bringing

Tomic, Foreign Minister Prlic, Croatian Democratic Union of Bosnia and Herzegovina (HDZ) President Rajic, Democratic Action Party (SDA) Vice-President and Prime Minister Bicakcic, and the Mayor and Deputy Mayor of Mostar. The meeting was chaired by the Principal Deputy High Representative. The Commander of SFOR, the Acting Police Commissioner and the Head of the Office of the High Representative South were also present.

¹⁴³ S/1997/140 and S/1997/183.

¹⁴⁴ S/PRST/1997/12.

¹³⁹ S/PRST/1997/7.

¹⁴⁰ S/1997/204.

¹⁴¹ S/1997/201.

¹⁴² The meeting was attended by President Izetbegovic, President Zubak, Co-Chairman Silajdzic, Vice-Chairman

to trial and dismissal from office of those found responsible for instigating or participating in violent acts.

The Council fully supports the conclusions drawn from the International Police Task Force report by the Office of the High Representative and fully supported by the Task Force, the Commander of the Stabilization Force in Bosnia and Herzegovina and the members of the Contact Group.

The Council strongly condemns the involvement by West Mostar police officers in the violent assault on 10 February 1997 as referred to in the International Police Task Force report annexed to the letter dated 7 March 1997 from the Secretary-General to the President of the Security Council.

The Council also condemns the failure of the local police to provide protection to civilians subject to inter-ethnic attacks which occurred throughout Mostar both before and after the incident on 10 February 1997, and stresses the importance it attaches to preventing such incidents in the future.

The Council takes note of the announced suspension of some of the police officers identified in the International Police Task Force report but remains deeply concerned by the failure to date of the responsible authorities to take all the necessary steps to implement the conclusions drawn from that report. It strongly condemns attempts by those authorities to place conditions upon the arrest and prosecution of the police officers identified in the International Police Task Force report as having fired upon the group of civilians.

The Council demands that the responsible authorities, notably in West Mostar, immediately implement the conclusions drawn from the International Police Task Force report and, in particular, suspend all relevant police officers and arrest and prosecute them without further delay. It also calls upon the responsible authorities to investigate all police officers involved in the incident.

The Council requests the Secretary-General to keep it informed of the situation. It will remain actively seized of the matter.

**Decision of 31 March 1997 (3760th meeting):
resolution 1103 (1997)**

On 14 March 1997, pursuant to Security Council resolution 1088 (1996), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina.¹⁴⁵ In his report, the Secretary-General

stated that the Stabilization Force, which had succeeded the Implementation Force, was the principal guarantor of the fragile peace that existed in Bosnia and Herzegovina. He also stated that there were two principal threats to that fragile peace: one was the continued friction between the Federation partners and the other the friction between the entities within the joint institutions. While admirable progress had been achieved in some areas, particularly in the establishment of joint institutions in accordance with the Constitution of Bosnia and Herzegovina, progress in others remained dangerously slow. In the area of cooperation with the International Tribunal for the Former Yugoslavia, four of the five signatories to annex 1A of the Peace Agreement had yet to comply with their basic undertakings in the Agreement. He informed the Council that the Brcko Implementation Conference had proposed that the Task Force carry out monitoring, restructuring and retraining police in the Brcko area. In addition, the Security Council had endorsed, in resolution 1088 (1996), additional human rights investigation tasks for the Task Force, and the Task Force Commissioner had determined that these tasks required the force to be strengthened by 120 police personnel. He therefore recommended that the Council approve the proposed increase in the authorized strength of UNMIBH by 186 police and 11 civilian personnel as well as 120 police personnel for human rights investigations. He cautioned that the role proposed for the Task Force in the Brcko area would need to be performed in close cooperation with SFOR.

At its 3760th meeting, held on 31 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of 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 to a draft resolution prepared in the course of the Council's prior consultations.¹⁴⁶ The draft resolution was put to the vote and adopted unanimously as resolution 1103 (1997), which reads:

¹⁴⁶ S/1997/263.

¹⁴⁵ S/1997/224 and Add. 1.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1035 (1995) of 21 December 1995 and 1088 (1996) of 12 December 1996,

Recalling also the need for the implementation of the provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") in particular those provisions relating to cooperation 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,

Noting that the International Police Task Force has been entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed upon by the authorities in Bosnia and Herzegovina,

Taking note of the decision of 14 February 1997 by the arbitral tribunal on the disputed portion of the Inter-Entity Boundary Line in the Brcko area and noting the holding of the Brcko Implementation Conference in Vienna on 7 March 1997,

Reminding all parties to annex 2 of the Peace Agreement of their obligation, in accordance with article V of that annex, to be bound by the decision of the arbitral tribunal and to implement it without delay,

Expressing its appreciation to the personnel of the United Nations Mission in Bosnia and Herzegovina, including those of the International Police Task Force, for their work in assisting in the implementation of the Peace Agreement in Bosnia and Herzegovina, and to all other personnel of the international community engaged in implementing the Peace Agreement,

Welcoming the report of the Secretary-General of 14 March 1997,

1. *Decides* to authorize an increase in the strength of the United Nations Mission in Bosnia and Herzegovina by 186 police and 11 civilian personnel, in the light of the recommendation of the Secretary-General concerning the role of the International Police Task Force in Brcko, contained in his report of 14 March 1997, and in order to enable it to carry out its mandate as set out in annex 11 of the Peace Agreement and resolution 1088 (1996) of 12 December 1996;

2. *Acknowledges* the importance of ensuring that the International Police Task Force is able to carry out all the tasks with which it has been entrusted, in particular those tasks set out in the conclusions of the London Conference and agreed upon by the authorities in Bosnia and Herzegovina, and decides to consider expeditiously the recommendations of the Secretary-General concerning those tasks, contained in his report of 14 March 1997;

3. *Urges* Member States, with the support of the Secretary-General, to provide qualified police monitors and other forms of assistance and support to the International Police Task Force and in support of the Peace Agreement;

4. *Calls upon* all parties to the Peace Agreement to implement all aspects of that Agreement and to cooperate in full with the International Police Task Force in the conduct of its activities;

5. *Stresses* the need for the continued closest possible coordination between the multinational Stabilization Force and the International Police Task Force, in particular in the area of Brcko;

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

**Decision of 16 May 1997 (3776th meeting):
resolution 1107 (1997)**

By a letter dated 5 May 1997 addressed to the President of the Security Council,¹⁴⁷ the Secretary-General transmitted the executive summary and the conclusions of a report entitled "Mostar: human rights and security situation, 1 January-15 February 1997", prepared by the Task Force. He also informed the Council of the follow-up to the 10 February incident, and noted that, while no further action by the responsible authorities to implement the demands contained in the statement by the President of 11 March 1997 had been taken, the general situation had improved. He also noted that, in resolution 1103 (1997) of 31 March 1997, the Council had acknowledged the importance of ensuring that the Task Force was able to carry out all the tasks with which it had been entrusted, including its investigation into the 10 February 1997 incident. He reiterated his recommendation for an increase in Task Force strength by 120 personnel and expressed the hope that the Security Council would respond positively to it.

On 14 March 1997, the Secretary-General submitted to the Council a report pursuant to paragraph 28 of resolution 1088 (1996), summarizing the activities of the United Nations Mission in Bosnia and Herzegovina since the previous report and providing an updated view of the activities of the United Nations system in Bosnia and Herzegovina during the same period.¹⁴⁸

¹⁴⁷ S/1997/351.

¹⁴⁸ S/1997/224 and Add.1; also see decision of 31 March 1997.

At its 3776th meeting, held on 16 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included in its agenda the letter and the report of the Secretary-General. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁴⁹ The draft resolution was put to the vote and adopted unanimously as resolution 1107 (1997), which reads:

The Security Council,

Recalling its resolution 1103 (1997) of 31 March 1997 concerning the United Nations Mission in Bosnia and Herzegovina, including the International Police Task Force,

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

Having considered the report of the Secretary-General of 14 March 1997 and his letter dated 5 May 1997 to the President of the Security Council,

1. *Decides* to authorize an increase in the strength of the United Nations Mission in Bosnia and Herzegovina by 120 police personnel, in the light of the recommendation of the Secretary-General concerning the tasks of the International Police Task Force set out in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and agreed upon by the authorities in Bosnia and Herzegovina, in order to enable the Task Force to carry out its mandate set out in annex 11 of the Peace Agreement and resolution 1088 (1996) of 12 December 1996;

2. *Urges* Member States to provide qualified police monitors and other forms of assistance and support to the International Police Task Force and in support of the Peace Agreement;

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

**Decision of 12 June 1997 (3787th meeting):
resolution 1112 (1997)**

At its 3787th meeting, held on 12 June 1997 in accordance with the understanding reached in its prior consultations, the President (Russian Federation), with

the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 5 June 1997 from the representative of the United Kingdom addressed to the Secretary-General, transmitting the text of the Political Declaration from the Ministerial Meeting of the Steering Board of the Peace Implementation Council held at Sintra, Portugal, on 30 May 1997.¹⁵⁰

At the same meeting, the President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁵¹ The draft resolution was put to the vote and adopted unanimously as resolution 1112 (1997), which reads:

The Security Council,

Recalling its resolutions 1031 (1995) of 15 December 1995 and 1088 (1996) of 12 December 1996,

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

1. *Welcomes* the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997, and agrees with the designation of Mr. Carlos Westendorp as High Representative in succession to Mr. Carl Bildt;

2. *Expresses its warmest appreciation* to Mr. Carl Bildt for his work as High Representative;

3. *Reaffirms* the importance it attaches to the role of the High Representative in monitoring the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and also reaffirms that the High Representative is the final authority in the matter regarding the interpretation of annex 10 of the Peace Agreement concerning civilian implementation and that in case of dispute he may give his interpretation and make his recommendations, including to the authorities of Bosnia and Herzegovina or its entities, and make them known publicly.

¹⁵⁰ S/1997/434.

¹⁵¹ S/1997/445.

¹⁴⁹ S/1997/371.

**Decision of 18 and 19 December 1997
(3842nd meeting and resumption): resolution
1144 (1997)**

On 10 December 1997, pursuant to Security Council resolution 1088 (1996), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina.¹⁵² In his report, the Secretary-General stated that there had been progress towards implementing the General Framework Agreement in areas of concern to the UNMIBH operation, including the inauguration of joint Bosnian-Croat police forces in the two mixed cantons of the Federation; the initiation of a comprehensive police restructuring programme in the Republika Srpska; and the appointment of a multi-ethnic police leadership in the contested city of Brcko. He cautioned that the progress was in its early stages and fragile and would require the Mission's continued engagement in developing the capacity for policing according to internationally acceptable standards. He also stressed that police restructuring had to be accompanied by reform of the judicial system in general. He informed the Council that he had suggested to the High Representative and the members of the Steering Board of the Peace Implementation Council that UNMIBH work with the Council of Europe, OSCE and other organizations to expand its operations to ensure that international efforts to reform the judicial and penal systems advanced in tandem with efforts aimed at reforming the local police forces. Another area that deserved increased attention was the loss of revenue to the State through economic crimes that benefited mainly forces opposed to the peace process. He stated that, in order to carry out the tasks related to judicial reform and economic crime, UNMIBH would require an increase in human and financial resources. Finally, the Secretary-General recommended an extension of the UNMIBH mandate for a further 12-month period, although he noted that the presence of International Police Task Force monitors was contingent on the existence of adequate security arrangements, which could only be secured by a credible international military force.

At its 3842nd meeting, held on 18 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included

¹⁵² S/1997/966.

the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Costa Rica), with the consent of the Council, invited the representatives of Argentina, Bosnia and Herzegovina, Canada, Croatia, Germany, Hungary, Italy, Luxembourg, Malaysia, Norway, Pakistan, Slovenia, Turkey and Ukraine, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 12 December 1997 from the Secretary-General, addressed to the President of the Security Council,¹⁵³ transmitting a letter dated 10 December 1997 from the Secretary-General of NATO addressed to the Secretary-General, enclosing the eleventh monthly report on Stabilization Force operations. The President further drew the attention of the Council to a letter dated 15 December 1997 from the representative of Germany, addressed to the Secretary-General, transmitting the conclusions of the Peace Implementation Conference on Bosnia and Herzegovina held on 9 and 10 December 1997.¹⁵⁴ The Council also had before it a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁵⁵

At the same meeting, the representative of China expressed support for the work of the United Nations carried out in accordance with the provisions of the Peace Agreement. In his view, UNMIBH ought to principally carry out tasks mandated by the Peace Agreement. He also observed that issues relating to judicial reform and economic matters involved sensitive and complex questions and high stakes. Therefore, the United Nations should proceed with caution in that respect. Noting that the countries contributing troops to SFOR were reviewing its future mandate, he expressed hope that those countries would report to the Security Council in a timely fashion on their thoughts about the future. He also expressed hope that any actions taken by SFOR would be conducive to continued stability in Bosnia and Herzegovina.¹⁵⁶

The representative of the Russian Federation stated that, while negative trends had been kept in check by the presence of multinational forces, his

¹⁵³ S/1997/975.

¹⁵⁴ S/1997/979.

¹⁵⁵ S/1997/989.

¹⁵⁶ S/PV.3842, pp. 8-9.

delegation reaffirmed its resolute rejection of attempts at an arbitrary, unilateral interpretation of the mandate of existing international structures, which was leading to a build-up of elements of military force in the arsenal of peacekeeping efforts in Bosnia and Herzegovina. He noted that sub-units of SFOR had carried out a pre-planned operation to forcibly detain individuals indicted by the International Tribunal for the Former Yugoslavia, and had thereby gone beyond the mandate of SFOR that had been approved by the Security Council, which ruled out such acts of force targeted at individuals. He also expressed concern that the High Representative, who was ultimately responsible for respect for the civilian aspects of the Agreement, was informed of the arrest only after the fact. He underlined that the Russian Federation frowned on any unilateral actions that might threaten the lives of the peacekeepers or jeopardize the entire process of a settlement in Bosnia and Herzegovina, and stressed that they did not intend to take responsibility for such actions. Still, the United Nations was making a real contribution to the Bosnian settlement, and his Government supported the further continuation of the activities of the United Nations Mission and the Task Force in the framework of the current mandate.¹⁵⁷

The representative of the United Kingdom welcomed the latest action by SFOR, acting under the authority contained in the relevant Security Council resolutions, to detain two Bosnian Croats indicted for war crimes. He called on other war crimes indictees to surrender themselves, and on all parties to the Peace Agreement to fully comply with their commitment to transfer those indicted for war crimes to The Hague. His country welcomed the readiness to use SFOR directly to support civilian implementation and noted that NATO was examining possible options for a follow-on force to succeed SFOR when its mandate expired in June 1998. He believed that the extension of the mandate of the Task Force for six months, on a renewable basis to bring it in line with the mandate of SFOR, was strategically coherent while offering the best way of meeting operational requirements.¹⁵⁸

The representative of France urged that all indicted persons be handed over to the Tribunal, and reiterated that the primary responsibility for handing

over the war criminals being sought fell on the parties. He stressed that, as recently confirmed by the Secretary-General of NATO, all of the allies and the countries participating in SFOR shared the same resolve to ensure that indicted war criminals were brought to justice. The arrest in central Bosnia of two indicted persons had been an example. That was a joint effort under a single chain of command and in accordance with identical rules of engagement. He underlined that the policy followed in that domain was decided by the Council of NATO.¹⁵⁹

The representative of Egypt stated that progress made recently in implementation of the Agreement was closely linked to the efforts made to deal with and settle the question of war crimes. He noted that despite the difficulty of dealing with the problem, the fact that SFOR had apprehended one of the indicted war criminals on 10 July 1997 and two Croatian war criminals the previous day had proved that SFOR was indeed capable of dealing with the question. He stressed that the peace process in Bosnia would not continuously progress without the apprehension of those indictees, and that the reconciliation process would not succeed without them being tried. He stated that the Security Council bore a historic responsibility to mandate SFOR, and any successor force, to pursue the war criminals and bring them to trial. Regarding the Agreement on Subregional Arms Control, he noted that Republika Srpska continued to refuse to make the deep cuts necessary to comply with the Agreement. He maintained that the Security Council bore a special responsibility for the implementation of that part of the Dayton Agreement, not only to prevent the eruption of conflict in the future, but also within the context of exercising its responsibility under the Charter for the regulation of armaments. Finally, he stressed that the reconstruction efforts had to be linked to the responsiveness of the parties to the political efforts being made. This view was shared by all the States members of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina. The Contact Group felt it was extremely important that the role of the Security Council in Bosnia and Herzegovina not be confined to the Mission and the Task Force, and that it was imperative that the Security Council set a number of guidelines to address the aforementioned problems in coordination with the Peace

¹⁵⁷ Ibid., pp. 9-10.

¹⁵⁸ Ibid., pp. 13-14.

¹⁵⁹ Ibid., pp. 15-16.

Implementation Council in Bosnia, and assign a larger role to SFOR and its successor, in order to create a unified and multi-ethnic State.¹⁶⁰

The representative of Bosnia and Herzegovina stated that, while the United Nations had not failed in Bosnia and Herzegovina, it had not yet succeeded either. He welcomed the extension of the mandate of the multilateral force led by NATO beyond the deadline of the summer of 1998, although he emphasized that the military aspects of implementation would prove to be rather hollow without a coordinated and revitalized effort on the civilian aspect of implementation. He expressed concern about the lack of respect shown to the Tribunal and the political consequences thereof. He underlined that the Tribunal was enshrined in the Constitution of Bosnia and Herzegovina as the highest authority in the country, and had jurisdiction over all potential witnesses and suspects related to war crimes and genocide that might have been committed in Bosnia and Herzegovina and in the former Yugoslavia as a whole. In that regard, he emphasized his delegation's concern regarding the large number of States that still had not adopted domestic legislation in line with full cooperation with the Tribunal.¹⁶¹

The representative of Croatia emphasized that his Government assigned special significance to the Tribunal and its work and that his country did not condition its cooperation with the Tribunal upon the reciprocal cooperation of any other country or entity. Observing that the limited capabilities of Tribunal meant that it could only carry out its work in a selective manner, he therefore added that discretion in deciding which crimes and perpetrators to pursue carried significant weight. Croatia could not be wholly satisfied with the exercise of the discretion to date as international sources had estimated that Bosnian Croats and Muslims were responsible for about 10 per cent of all the crimes committed in Bosnia and Herzegovina during the conflict, while Bosnian Serbs were responsible for 90 per cent. Yet, Bosnian Croats represented 73 per cent of those in custody. Regarding the recent arrest of two Bosnian Croats, he stressed that, while the arrests were based on international law and were within the scope of the mandate of SFOR,

they had brought to an even higher level the already existing disproportionality of Croat detainees. He stressed that it was essential for the peace process that the Tribunal in its future work better reflect the level of involvement and degree of responsibility of the different sides of the conflict.

Several other speakers underlined the role of the United Nations in the establishment of lasting peace in Bosnia and Herzegovina and stressed, in that regard, that the Dayton Peace Agreement needed to be implemented in full. A number of speakers called on the parties in Bosnia to cooperate fully in the peace process and highlighted, in particular, the importance of issues such as the return of refugees and displaced persons, freedom of movement, establishment of the rule of law, respect for and protection of human rights, the conduct of free and fair elections, economic reconstruction and effective functioning of common institutions and cooperation with the International Tribunal for the Former Yugoslavia. Several speakers also highlighted the role of the Task Force as a key factor in the implementation of the civilian aspects of the Peace Agreement. Some also stressed the need for adequate security arrangements to be established after the end of the mandate of SFOR.¹⁶²

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1144 (1997), which reads as follows:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1103 (1997) of 31 March 1997 and 1107 (1997) of 16 May 1997,

¹⁶⁰ *Ibid.*, pp. 16-18.

¹⁶¹ *Ibid.*, pp. 21-23.

¹⁶² *Ibid.*, pp. 2-4, (Chile); pp. 4-5 (Japan); pp. 5-7 (Costa Rica); pp. 7-8 (Kenya); pp. 10-11 (Portugal); pp. 11-12 (Poland); pp. 12-13 (Sweden); pp. 18-19 (Republic of Korea); pp. 19-20 (Guinea-Bissau); pp. 23-24 (Pakistan); and pp. 24-25 (Norway); S/PV.3842 (Resumption), pp. 2-3 (Malaysia); pp. 3-5 (Slovenia); pp. 5-6 (Turkey); pp. 6-8 (Hungary); pp. 8-9 (Ukraine); pp. 9-10 (Canada); pp. 10-12 (Luxembourg on behalf of the European Union, and associated and aligned countries: Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia; and Cyprus and Iceland); pp. 12-13 (Italy); pp. 13-15 (Germany); and pp. 15-16 (Argentina).

Expressing its continued commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Welcoming the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997,

Having considered the report of the Secretary-General of 10 December 1997, and taking note of his observations, in particular with regard to the International Police Task Force,

Affirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Commending the United Nations Mission in Bosnia and Herzegovina, in particular the International Police Task Force for its valuable work in such areas as police restructuring, training, weapons inspections and promoting freedom of movement, as well as its assistance in connection with the elections in Bosnia and Herzegovina,

Expressing its appreciation to the personnel of the Mission, and commending the leadership and dedication of the Special Representative of the Secretary-General and the Commissioner of the International Police Task Force in their efforts to support the implementation of the Peace Agreement,

Noting that the presence of International Police Task Force monitors is contingent on the existence of adequate security arrangements which, at present, can only be secured by a credible international military force,

1. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 1998, which will be renewed for a further period unless significant changes are made to the security arrangements as currently provided by the multinational Stabilization Force, and decides also that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996 and of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, and agreed upon by the authorities in Bosnia and Herzegovina;

2. *Expresses its support* for the conclusions of the Bonn Conference, and encourages the Secretary-General to pursue implementation of its relevant recommendations, in particular on the restructuring of the International Police Task Force;

3. *Requests* the Secretary-General to keep the Council informed regularly about the work of the International Police Task Force and, in particular, its progress in assisting the restructuring of law enforcement agencies; to report every three months on the implementation of the mandate of the United Nations Mission in Bosnia and Herzegovina as a whole; and to include in his first report a description of action taken to implement recommendations of the Bonn Conference on restructuring the Task Force, particularly the creation of specialized Task Force units to train Bosnian police to address more effectively key public security issues;

4. *Reaffirms* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skill of its personnel, and urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

5. *Urges* Member States to provide training, equipment and related assistance for local police forces in coordination with the International Police Task Force, recognizing that resources are critical to the success of the police reform efforts of the Task Force;

6. *Calls upon* all concerned to ensure the closest possible coordination among the Office of the High Representative, the multinational Stabilization Force, the Mission and the relevant civilian organizations and agencies in order to ensure the successful implementation of the Peace Agreement and the priority objectives of the civilian consolidation plans, as well as the security of the International Police Task Force;

7. *Pays tribute* to the victims of the helicopter crash of 17 September 1997 in Bosnia and Herzegovina, including members of the Office of the High Representative, the International Police Task Force and a bilateral assistance programme, for their sacrifice in advancing the peace process;

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

Speaking after the vote, the representative of the United States stated that, while his country was gratified by the improvements in cooperation with the International Criminal Tribunal by some parties, and strongly supported recent actions by SFOR, failure by other parties to cooperate could mean only continued isolation. He expressed strong support for the restructuring of the Task Force to provide maximum support to the most pressing civilian implementation needs. He also stated that it had become clear that continued progress in Bosnia necessitated a follow-on military force, led by NATO, after SFOR ended. He noted that his President had announced that the United States could take part in a security presence in Bosnia when SFOR withdrew. He agreed with the Secretary-General that the continued presence of a NATO-led peacekeeping force was closely linked to the future of

the Task Force. It therefore made sense that the mandate of the Task Force be considered only when the details of what would follow SFOR became clearer, and therefore his delegation had supported a six-month extension of the mandate of UNMIBH. As the debate on an SFOR follow-on force moved ahead, he expected that the Task Force would assume as much responsibility for public security as it could, and noted that his delegation had made a number of suggestions to improve its performance under its current mandate. He noted that his country had not pressed for changes in the mandate of the Task Force in the context of the current renewal, but a prolongation of the status quo was not acceptable. He underlined that the United States had not foreclosed the option of changing the mandate in the future, if that would help to improve the effectiveness of the Task Force.¹⁶³

**Decision of 19 March 1998 (3862nd meeting):
statement by the President**

At its 3862nd meeting, held on 19 March 1998 in accordance with the understanding reached in its prior consultations, the President (Gambia), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 17 March 1998 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting the text of the Supplemental Award of the Arbitral Tribunal for the Dispute over the Inter-Entity Boundary in the Brčko Area, dated 15 March 1998.¹⁶⁴

At the same meeting the President made the following statement on behalf of the Council.¹⁶⁵

The Security Council welcomes the announcement of the decision on 15 March 1998 relating to Brcko by the arbitral tribunal pursuant to article V of annex 2 to the General Framework Agreement for Peace in Bosnia and Herzegovina and to the award of 14 February 1997.

The Council, recalling that the 1997 award helped to promote the start of a peaceful, orderly and phased return process in Brcko and the beginnings of the establishment of a multi-ethnic administration, considers that the decision of 15 March 1998 represents the best

interests of the peace process. The Council commends the efforts of the Presiding Arbitrator and of the International Supervisor for Brcko.

The Council calls upon the parties to annex 2 to the General Framework Agreement to implement the decision without delay, as they are obliged to do. The Council underscores the importance of prompt and full cooperation by the parties to the Agreement in carrying out their commitments to implement the Agreement in its entirety, including cooperation with the International Supervisor for Brcko and the Office of the High Representative.

**Decision of 21 May 1998 (3883rd meeting):
resolution 1168 (1998)**

On 12 March 1998, pursuant to paragraph 3 of Security Council resolution 1144 (1997), the Secretary-General submitted to the Council a report on the activities of the United Nations Mission in Bosnia and Herzegovina and on the steps taken to implement the recommendations of the meeting of the Peace Implementation Council held at Bonn on 9 and 10 December 1997.¹⁶⁶ In his report, the Secretary-General observed that further progress had been made towards the implementation of the mandate of UNMIBH and the tasks of the International Police Task Force. The Security Council, in its resolution 1144 (1997), had endorsed the conclusions of the Bonn meeting of the Peace Implementation Council, which had requested the Task Force to carry out new intensive training programmes for the local police in a number of specialized fields. He outlined his proposal on how to respond to the request of the Security Council and recommended that the Council approve the very modest increase in resources required. The Implementation Council had asked UNMIBH to take part in a major programme of legal reform under the coordination of the Office of the High Representative. The Secretary-General had also submitted a proposal for a programme of court monitoring by the Mission. He reiterated his conviction that police and judicial reforms had to be carried out in an integrated way and he therefore believed that the Security Council should approve the required increase in resources for the task.

At its 3883rd meeting, held on 21 May 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report

¹⁶³ S/PV.3842 (Resumption), pp. 17-18.

¹⁶⁴ S/1998/248.

¹⁶⁵ S/PRST/1998/7.

¹⁶⁶ S/1998/227 and Corr.1 and Add.1.

of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Kenya), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁶⁷ The President further drew the attention of the Council to a letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 9 April 1998 from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina.¹⁶⁸

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1168 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1103 (1997) of 31 March 1997, 1107 (1997) of 16 May 1997 and 1144 (1997) of 19 December 1997,

Expressing its continued commitment to the political settlement of conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Recalling the conclusions of the Ministerial Meeting of the Steering Board of the Peace Implementation Council held in Sintra, Portugal, on 30 May 1997 and the Peace Implementation Conference held in Bonn on 9 and 10 December 1997,

Having considered the report of the Secretary-General of 12 March 1998, and taking note of his observations and the planning outlined in paragraphs 37 to 46 of that report,

Reaffirming its full support for the High Representative and his staff and his responsibility in implementing the civilian aspects of the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the "Peace Agreement"),

Commending the United Nations Mission in Bosnia and Herzegovina, including the International Police Task Force, and recalling the recommendations of the Bonn Peace

Implementation Conference relating to the Mission, including the Task Force,

Expressing its appreciation to the personnel of the Mission, including the International Police Task Force, and to the Special Representative of the Secretary-General and the Task Force Commissioner,

Emphasizing the increasing importance of specialized training for local police in Bosnia and Herzegovina, especially in the areas of critical incident management, corruption, organized crime and drug control, as outlined in the report of the Secretary-General,

Acknowledging that success in the area of police reform in Bosnia and Herzegovina is closely linked to complementary judicial reform, and taking note of the report of the High Representative of 9 April 1998, which emphasizes that judicial reform is a priority for further progress,

1. *Decides* to authorize an increase in the strength of the International Police Task Force by 30 posts, to a total authorized strength of 2,057;

2. *Supports* the improvements in the overall management of the International Police Task Force undertaken by the Secretary-General, his Special Representatives, and the Task Force Commissioners and personnel in Bosnia and Herzegovina, stresses the importance of continued reforms in this area, and in this regard strongly encourages the Secretary-General to make further improvements to the Task Force, in particular with regard to personnel management issues;

3. *Encourages* Member States to intensify their efforts to provide, on a voluntary funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

4. *Recognizes* that establishing an indigenous public security capability is essential to strengthening the rule of law in Bosnia and Herzegovina, agrees to consider expeditiously a court monitoring programme led by the United Nations Mission in Bosnia and Herzegovina as part of an overall programme of legal reform as outlined by the Office of the High Representative, and requests the Secretary-General to submit recommendations on the possibility of utilizing locally hired personnel as far as is practical and of voluntary funding;

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

**Decision of 15 June 1998 (3892nd meeting):
resolution 1174 (1998)**

On 10 June 1998, pursuant to paragraph 3 of Security Council resolution 1144 (1997), the Secretary-General submitted to the Council a report on the

¹⁶⁷ S/1998/415.

¹⁶⁸ S/1998/314.

United Nations Mission in Bosnia and Herzegovina.¹⁶⁹ In his report, the Secretary-General observed that UNMIBH was proceeding with its programme to restructure the police services in the Federation and the Republika Srpska, but progress in implementing the programme would depend upon the ability of all members of the international community to secure compliance of the parties with the commitments they made in the General Framework Agreement for Peace. He noted that the past three months had seen an increase in violent incidents aimed at returning refugees and displaced persons, in particular those belonging to minority groups. At the same time, resistance towards integrating minority officers into the police force had continued, especially in the Croat-controlled areas of the Republika Srpska. He stressed that, while UNMIBH would do anything in its power to further advance the restructuring of the local police forces in order to help create confidence for returning minorities, it would be overly optimistic to expect a decisive change before the nationwide elections scheduled for 13 September 1998. He noted that the role of the Task Force was also changing and that the Mission was now prepared to move forward with a programme to monitor and assess the court system. He told the Council that he had been informed by the Secretary-General of NATO that NATO military authorities had developed an operational plan for the continuation of a NATO-led multinational force in Bosnia and Herzegovina and that the plan had been endorsed by the Foreign Ministers of NATO. On the assumption that there would be no significant changes to the security arrangements as currently provided by SFOR, he recommended that the mandate of UNMIBH be extended for an additional period terminating on 21 June 1999.

At its 3892nd meeting, held on 15 June 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Portugal), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Croatia, Germany, Italy, Malaysia and Turkey, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan,

Portugal, the Russian Federation, Slovenia, Sweden, the United Kingdom and the United States.¹⁷⁰

At the same meeting, the President further drew the attention of the Council to the following documents: a letter dated 5 June 1998 from the representative of Luxembourg addressed to the Secretary-General;¹⁷¹ a letter dated 10 June 1998 from the representative of Germany addressed to the Secretary-General;¹⁷² a letter dated 11 June 1998 from the Secretary-General addressed to the President of the Security Council;¹⁷³ and a letter dated 9 April 1998 from the Secretary-General addressed to the President of the Security Council.¹⁷⁴

The representative of Bosnia and Herzegovina stated that military, civilian and economic resources being committed to serve peace and rebuild Bosnia and Herzegovina, were having a gradual but steady positive impact. However, there was still an ongoing, organized criminal effort to keep the people from going back to their homes and to prevent the process of reconciliation and normalcy from taking hold, an assessment that was shared by the representative of SFOR, the Office of the High Representative and others. Regarding the situation in Kosovo,¹⁷⁵ he stated that those “who light the fuse” would try to sell their constructive engagement in one situation at the expense of another. He suggested that a leadership that preyed on its neighbours, on its own people and on its own

¹⁷⁰ S/1998/502.

¹⁷¹ Letter transmitting the text of a statement on Bosnia and Herzegovina adopted by NATO following the ministerial meeting held in Luxembourg on 28 and 29 May 1998 (S/1998/475).

¹⁷² Letter transmitting, in his capacity as the coordinator of the Consulting and Coordinating Process, the declaration of the Luxembourg Peace Implementation Conference Steering Board issued on 9 June 1998 (S/1998/498).

¹⁷³ Letter transmitting a letter from the Secretary-General of NATO addressed to the Secretary-General, conveying the seventeenth monthly report on the operations of SFOR (S/1998/501).

¹⁷⁴ Letter transmitting a letter dated 9 April 1998 from the High Representative for the implementation of the Peace Agreement on Bosnia and Herzegovina, conveying his ninth report (S/1998/314).

¹⁷⁵ For purposes of this *Supplement*, the term “Kosovo” refers to “Kosovo, Federal Republic of Yugoslavia”, without prejudice to issues of status. In other instances, the terminology originally used in official documents has been preserved to the extent possible.

¹⁶⁹ S/1998/491.

stereotypes was to blame for the wars in Slovenia, Croatia, Bosnia and Herzegovina, and Kosovo. He also said that there was compelling evidence that weapons taken during attacks on United Nations forces in Bosnia were now being used in Kosovo against the Kosovo Albanians, which should be proof enough as to where the blame lay.¹⁷⁶

The representative of Croatia, recognizing the importance of the return process in the ongoing stabilization of the region, recalled that Croatia remained the only State in the region that had received a significant number of displaced persons from a group formerly affiliated with the rebel occupying forces. He stated that a consequence of a one-sided approach with regard to refugee returns had already been reflected in a loss of confidence in the Dayton Peace Agreement. In addition, despite recent positive developments in the theatre with the voluntary surrender or arrest by SFOR of some Serb indictees, Bosnia and Herzegovina Croats continued to make up the vast majority of imprisoned indictees, which did not nurture confidence in the international community.¹⁷⁷

The representative of Germany underlined that reform and restructuring of the local police would remain ineffective if not accompanied by similar efforts regarding the judicial system. In that context, the High Representative had pointed out that the International Police Task Force was best equipped to monitor criminal courts in Bosnia. The Security Council would urgently have to find a pragmatic solution which enabled the Task Force to begin the task, setting aside theological or budgetary disputes. He stressed that it was the Council's responsibility to make the international effort in Bosnia a coherent and therefore successful one, and not to be diverted by secondary questions regarding the philosophy of United Nations peacekeeping in general.¹⁷⁸

The representative of Albania stated that the extension of the mandate of the Stabilization Force in Bosnia and Herzegovina was a necessary step in the light of the situation in the Balkan area and the deepening of the crisis in the Kosovo region. That was why Albania was in favour not only of the extension of the mandate of SFOR, but also of energetic action by

the international community to prevent a second tragedy like Bosnia from taking place in the Balkans. It was now time for the international community to be more united and determined to stop the "ethnic cleansing" in Kosovo and to find a peaceful and workable solution to calm the situation and to resolve the conflict in Kosovo. That action would strengthen the peace process in Bosnia and Herzegovina and the implementation of the Dayton Agreement, as well as peace and stability in the Balkan region.¹⁷⁹

The representative of the Russian Federation stressed that an extremely important area of international assistance continued to be the work of SFOR and the Mission, including the Task Force. He stated that an important guarantee for the success of SFOR and the Task Force was their strict compliance with the mandates established by the Security Council for those operations. His delegation was convinced that SFOR could not and should not assume any police functions whatsoever.¹⁸⁰

The representative of the United States stated that SFOR and UNMIBH had been critical to the implementation of the long-term process agreed by the parties in the Dayton/Paris accords. He stressed that much work remained and that NATO had adopted a series of benchmarks to measure progress in the overall implementation of the Peace Agreement. Meeting those benchmarks would permit progressive reductions in the size and profile of the Force. He reiterated that the primary responsibility for the implementation of the Peace Agreement rested with the parties themselves and stressed that efforts had to be redoubled to implement the Agreement. Cooperating fully with the Tribunal, the return of refugees and the strengthening of joint institutions were also key elements.¹⁸¹

The representative of China reiterated that China's reservations about the invocation of Chapter VII of the Charter and the authorization of the use of force contained in the draft resolution remained unchanged. He stated that in implementing the mandate set out by the Security Council, SFOR must not misuse force. Moreover, Chapter VII, as invoked in the draft

¹⁷⁶ S/PV.3892, pp. 3-4.

¹⁷⁷ *Ibid.*, pp. 5-6.

¹⁷⁸ *Ibid.*, pp. 8-9.

¹⁷⁹ *Ibid.*, pp. 11-12.

¹⁸⁰ *Ibid.*, pp. 12-13.

¹⁸¹ *Ibid.*, pp. 18-19.

resolution, was not applicable to the parts concerning the Mission and the Task Force.¹⁸²

A number of other speakers took the floor, noting that ultimately the responsibility for the establishment of lasting peace lay with the parties in Bosnia and Herzegovina themselves, and underscoring some of the key issues that needed to be addressed including the return of refugees, the effective functioning of common institutions, fostering free and fair media and greater cooperation with the International Tribunal for the Former Yugoslavia. Several speakers emphasized the importance of the Task Force in monitoring the activities of the local police force and in its restructuring, and welcomed the expansion of the role of the Task Force in key public security matters. Some speakers also highlighted the role of SFOR in providing security not only to the citizens of Bosnia and Herzegovina, but also to the Mission, the Task Force and other international organizations.¹⁸³ A number of speakers also stressed that events in Kosovo were a cause for concern, and that the international community needed to be vigilant about the ramifications.¹⁸⁴

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1174 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1144 (1997) of 19 December 1997 and 1168 (1998) of 21 May 1998,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

¹⁸² *Ibid.*, pp. 20-21.

¹⁸³ *Ibid.*, pp. 4-5 (United Kingdom on behalf of the European Union and associated and aligned countries: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia, Cyprus, and Iceland); pp. 7-8 (Italy); pp. 9-10 (Turkey); pp. 10-11 (Malaysia); p. 13 (Japan); pp. 13-14 (Sweden); pp. 14-15 (Brazil); pp. 15-16 (Bahrain); p. 16 (Kenya); pp. 16-17 (Costa Rica); p. 17 (Gambia); pp. 17-18 (Gabon); pp. 19-20 (Slovenia); and p. 21 (Portugal).

¹⁸⁴ *Ibid.*, p. 9 (Turkey); p. 11 (Malaysia); and p. 15 (Bahrain).

Underlining its commitment to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational Stabilization Force, the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina, including the Commissioner and personnel of the International Police Task Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Underlining once again the important role for the Republic of Croatia and the Federal Republic of Yugoslavia in the successful development of the peace process in Bosnia and Herzegovina,

Stressing that a comprehensive and coordinated return of refugees and displaced persons throughout the region is crucial to lasting peace,

Taking note of the declaration of the Steering Board of the Peace Implementation Council in Luxembourg on 9 June 1998 and the conclusions of its previous meetings,

Having considered the report of the Secretary-General of 10 June 1998,

Noting the report of the High Representative of 9 April 1998,

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,

I

1. *Reaffirms once again its support* for the Peace Agreement, as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

2. *Reiterates* that the primary responsibility for the further successful implementation of the peace process lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in

full cooperation 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, in strengthening joint institutions and in facilitating returns of refugees and displaced persons;

3. *Once again reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the International Tribunal includes the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes its full support* for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that the High Representative is the final authority in the theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses its support* for the declaration of the Steering Board of the Peace Implementation Council in Luxembourg;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

8. *Pays tribute* to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088 (1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational Stabilization Force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the Stabilization Force set out

in the declaration of the Steering Board of the Peace Implementation Council at Luxembourg;

10. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of twelve months the Stabilization Force as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in annex 1-A and annex 2 of the Peace Agreement, and expresses its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Authorizes* the Member States acting under paragraph 10 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 continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and notes that the parties have consented to the Force taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization 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;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of 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;

15. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals;

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035 (1995),

III

19. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 1999, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the peace implementation conferences in London on 4 and 5 December 1996, Bonn on 9 and 10 December 1997 and Luxembourg on 9 June 1998 and agreed upon by the authorities in Bosnia and Herzegovina;

20. *Requests* the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies, and to report every three months on the implementation of the mandate of the Mission as a whole;

21. *Reiterates* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and once again urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. *Reaffirms* the responsibility of the parties to cooperate fully with, and instruct their respective responsible officials and authorities to provide their full support to the International Police Task Force on all relevant matters;

23. *Reiterates its call* upon all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of International Police Task Force personnel;

24. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. *Requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under the Agreement;

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

Decision of 16 July 1998 (3909th meeting): resolution 1184 (1998)

At its 3909th meeting, held on 16 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included two reports of the Secretary-General on UNMIBH dated 12 March and 10 June 1998, respectively, in its agenda.¹⁸⁵ Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion, without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.¹⁸⁶ The draft resolution was then put to the vote and adopted unanimously as resolution 1184 (1998), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolutions 1168 (1998) of 21 May 1998 and 1174 (1998) of 15 June 1998,

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

Taking note of the conclusions of the Peace Implementation Conference in Bonn on 9 and 10 December 1997 and of the declaration of the Steering Board of the Peace Implementation Council in Luxembourg on 9 June 1998,

Taking note also of the recommendations of the High Representative of 9 April 1998,

Having considered the reports of the Secretary-General of 12 March and 10 June 1998, in particular his observations and planning regarding the issue of legal reform,

1. *Approves* the establishment by the United Nations Mission in Bosnia and Herzegovina of a programme to monitor and assess the court system in Bosnia and Herzegovina, as part of an overall programme of legal reform as outlined by the Office of the High Representative, in the light of the Peace

¹⁸⁵ S/1998/227 and Corr.1 and Add.1; and S/1998/491. See also decision of 21 May 1998 and decision of 15 June 1998, respectively.

¹⁸⁶ S/1998/648.

Agreement, the recommendations of the Peace Implementation Conference in Bonn and the Steering Board of the Peace Implementation Council in Luxembourg, and the recommendations of the High Representative;

2. *Requests* the authorities in Bosnia and Herzegovina to cooperate fully with, and instruct their respective responsible officials to provide their full support to the court monitoring programme;

3. *Requests* the Secretary-General to keep the Council regularly informed on the implementation of the programme to monitor and assess the court system in Bosnia and Herzegovina through his reports on the implementation of the mandate of the Mission as a whole;

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

**Decision of 18 June 1999 (4014th meeting):
resolution 1247 (1999)**

On 11 June 1999, pursuant to paragraph 20 of Security Council resolution 1174 (1998), the Secretary-General submitted to the Council a report on the activities of UNMIBH.¹⁸⁷ In his report, the Secretary-General stated that the Mission contributed to the establishment of the rule of law in Bosnia and Herzegovina by reforming and restructuring the police, assessing the functioning of the existing judicial system and monitoring and auditing the performance of the police and other agencies involved in the maintenance of law and order. Despite progress, political developments in Bosnia and Herzegovina and in the wider region continued to challenge the establishment of the rule of law. The difficulties encountered in trying to establish self-sustaining political institutions throughout the country had forced the High Representative to use his authority creatively in support of the implementation of the General Framework Agreement. Continuing close cooperation of the Mission with the Office of the United Nations High Commissioner for Refugees (UNHCR), SFOR and the Office of the High Representative would be necessary to address impediments to a sustainable peace. He stressed that UNMIBH still had a considerable way to go before the peace process in Bosnia and Herzegovina became self-sustainable. He therefore recommended that the Security Council

¹⁸⁷ S/1999/670.

extend the mandate of the Mission for another period of 12 months.

At its 4014th meeting, held on 18 June 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gambia), with the consent of the Council, invited the representatives of Bosnia and Herzegovina, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the Russian Federation, the United Kingdom, and the United States.¹⁸⁸

At the same meeting, the President further drew the attention of the Council to letters dated 7 and 8 March 1999, respectively, from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,¹⁸⁹ which forwarded a statement concerning the decision of the Arbitral Tribunal and a statement regarding the removal of the President of Republika Srpska from office by the High Representative; a letter dated 11 March 1999 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General,¹⁹⁰ transmitting a letter from the Minister for Foreign Affairs which conveyed disagreement with the decisions of the Arbitral Tribunal on Brcko and the decision of the High Representative to dismiss the President of Republika Srpska. The President also drew the attention of the Council to the following documents: a letter dated 9 March 1999 from the representative of Germany addressed to the Secretary-General,¹⁹¹ a letter dated 6 May 1999 from the Secretary-General addressed to the President of the Security Council, transmitting a letter dated 5 May 1999 from the High Representative for the implementation of the peace agreement on Bosnia and Herzegovina addressed to the Secretary-General,¹⁹² and a letter dated 3 June 1999

¹⁸⁸ S/1999/688.

¹⁸⁹ S/1999/243 and S/1999/253.

¹⁹⁰ S/1999/270.

¹⁹¹ Letter transmitting a statement on Brcko issued on 5 March 1999 by the Presidency of the European Union (S/1999/263).

¹⁹² Letter enclosing a report on the implementation of the Peace Agreement (S/1999/524).

from the Secretary-General addressed to the President of the Security Council.¹⁹³

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1247 (1999), which reads:

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1088 (1996) of 12 December 1996, 1144 (1997) of 19 December 1997, 1168 (1998) of 21 May 1998, 1174 (1998) of 15 June 1998 and 1184 (1998) of 16 July 1998,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Underlining its commitment to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational Stabilization Force, the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina, including the Commissioner and personnel of the International Police Task Force, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Noting that the States in the region must play a constructive role in the successful development of the peace process in Bosnia and Herzegovina, and noting especially the obligations of the Republic of Croatia and the Federal Republic of Yugoslavia in this regard as signatories to the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Taking note of the declaration of the ministerial meeting of the Peace Implementation Council in Madrid on 16 December 1998 and the conclusions of its previous meetings,

Noting the reports of the High Representative, including his latest report of 5 May 1999,

Having considered the report of the Secretary-General of 11 June 1999,

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,

I

1. *Reaffirms once again* its support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those Agreements, and expresses its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina, under review;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation 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, in strengthening joint institutions and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines the fact that full cooperation by States and entities with the International Tribunal includes the surrender for trial of all persons indicted by the Tribunal and provision of information to assist in Tribunal investigations;

4. *Emphasizes its full support* for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that the High Representative is the final authority in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement and that in case of

¹⁹³ Letter transmitting a letter dated 3 June 1999 from the Secretary-General of NATO addressed to the Secretary-General and enclosing the monthly report on SFOR (S/1999/642).

dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997;

5. *Expresses its support* for the declaration of the ministerial meeting of the Peace Implementation Council in Madrid on 16 December 1998;

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

II

8. *Pays tribute* to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088 (1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational Stabilization Force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the Stabilization Force, set out in the declaration of the ministerial meeting of the Peace Implementation Council in Madrid;

10. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of twelve months the Stabilization Force as established in accordance with its resolution 1088 (1996) under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement, and expresses its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Authorizes* the Member States acting under paragraph 10 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 continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization 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 Force taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization 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;

13. *Authorizes* the Member States acting under paragraph 10 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures established by the Commander of the Stabilization Force, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of 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;

15. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and other international personnel;

16. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals;

* * *

Reaffirming the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035 (1995),

III

19. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 2000, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex 11 of the Peace Agreement, including the tasks referred to in the conclusions of the Peace Implementation Conferences held in London on 4 and 5 December 1996, Bonn on 9 and 10 December 1997, Luxembourg on 9 June 1998 and Madrid on 15 and 16 December 1998 and agreed by the authorities in Bosnia and Herzegovina;

20. *Requests* the Secretary-General to keep the Council regularly informed on the work of the International Police Task Force and its progress in assisting the restructuring of law enforcement agencies and the progress of the Mission in

monitoring and assessing the court system, and to report every three months on the implementation of the mandate of the Mission as a whole;

21. *Reiterates* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and once again urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. *Reaffirms* the responsibility of the parties to cooperate fully with, and to instruct their respective responsible officials and authorities to provide their full support to the International Police Task Force on all relevant matters;

23. *Reiterates its call upon* all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of personnel of the International Police Task Force;

24. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. *Requests* the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London, and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

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

**Decision of 3 August 1999 (4030th meeting):
resolution 1256 (1999)**

At its 4030th meeting, held on 3 August 1999 in accordance with the understanding reached in its prior consultations, the President (Namibia), with the consent of the Council, invited the representative of Bosnia and Herzegovina, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.¹⁹⁴ The draft resolution was put to the vote and adopted unanimously as resolution 1256 (1999), which reads:

¹⁹⁴ S/1999/834.

The Security Council,

Recalling its resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996 and 1112 (1997) of 12 June 1997,

Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") and the conclusions of the Peace Implementation Conferences held in Bonn on 9 and 10 December 1997 and Madrid on 15 and 16 December 1998,

1. *Welcomes and agrees* to the designation by the Steering Board of the Peace Implementation Council on 12 July 1999 of Mr. Wolfgang Petritsch as High Representative in succession to Mr. Carlos Westendorp;

2. *Pays tribute* to the efforts of Mr. Westendorp in his work as High Representative;

3. *Reaffirms* the importance it attaches to the role of the High Representative in pursuing the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement;

4. *Reaffirms also* the final authority of the High Representative in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement.

**Deliberations of 26 October 1999 (4058th
meeting): private meeting**

At its 4058th meeting, held in private on 26 October 1999, the Security Council considered the situation in Bosnia and Herzegovina. The representatives of Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Denmark, Egypt, Finland, Germany, Greece, Hungary, India, Italy, Jamaica, Japan, Luxembourg, Malta, Mexico, Norway, Poland, Portugal, the Republic of Korea, Romania, Singapore, Slovakia, South Africa, Sweden, Turkey and Ukraine were invited, at their request, to participate in accordance with rule 37 of the Council's provisional rules of procedure.

The Security Council heard a briefing under rule 39 of its provisional rules of procedure by the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina. The members of the Council made comments and posed questions in connection with the briefing. The Special Representative responded to the comments and questions posed.

Deliberations of 8 November 1999 (4062nd meeting): private meeting

At its 4062nd meeting, held in private on 8 November 1999, the Security Council considered the situation in Bosnia and Herzegovina. The representatives of Algeria, Armenia, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Egypt, Finland, Georgia, Germany, Greece, Hungary, India, the Islamic Republic of Iran, Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Lithuania, Luxembourg, Mexico, Morocco, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Singapore, Slovakia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and Ukraine and the Permanent Observer of Switzerland were invited, at their request, to participate in the discussion without the right to vote.

The Council heard a briefing under rule 39 of its provisional rules of procedure from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The members of the Council made comments and posed questions in connection with the briefing. The High Representative then responded to the comments and questions posed.

Deliberations of 15 November 1999 (4069th meeting)

At its 4069th meeting, held on 15 November 1999 in accordance with the understanding reached in its prior consultations, the Security Council was briefed by the three members of the Presidency of Bosnia and Herzegovina.

In their briefings, the three members of the Presidency reaffirmed their commitment to the Dayton Agreement. They highlighted what had been achieved since the Agreement had been signed and what remained to be done. In that regard, they paid special tribute to the United Nations and the international community for the assistance provided. They drew attention to the New York Declaration, adopted by the members of the Presidency in New York on 14 November 1999, and highlighted some essential elements of the Declaration: the State border service; strengthening inter-entity cooperation; the question of returns into urban areas; strengthening of common

institutions; the fight against corruption; promoting transparency; and establishing a central database for passports.

The Chair of the Presidency of Bosnia and Herzegovina stated that, while there had been real progress, there were many more tasks ahead, including: the issue of the functioning of joint institutions, implementing serious economic and social reforms, fighting terrorism, organized crime and corruption, as well as the return of refugees and displaced persons. He also stressed that the Presidency had two important laws before it in Bosnia and Herzegovina, the permanent election law and the law on the border service. He expressed the belief that the Tribunal was an essential element on the path to reconciliation. He urged the Council to insist on direct communication in all institutions, as opposed to the former practice of communication through the Council.¹⁹⁵

Mr. Alija Izetbegovic, Member of the Presidency, briefly addressed the list of issues and areas where the Security Council and the international community as a whole could assist: the return of refugees; the arrest and prosecution of war criminals; the rebuilding of Bosnia and Herzegovina and implementation of economic reform; the issue of corruption; the consensus decision-making process; demining; and security in Bosnia and Herzegovina and the region as a whole. He believed that Bosnia and Herzegovina could not feel secure in its future until the region as a whole moved forward economically and towards the necessary respect for democratic, human and minority rights.¹⁹⁶

Mr. Zivko Radisic, Member of the Presidency, expressed his belief that the Dayton Peace Accord had strong support in Republika Srpska from all of its citizens, political parties and State institutions. He noted that the military aspect of the Dayton Peace Accord had been implemented with enormous success, and without any incidents or resistance. Further, he expressed optimism for the goal of demilitarization of Bosnia and Herzegovina and the wider region, which could lead to the creation of conditions for a lasting peace and rapid economic development. He believed that the results achieved in the implementation of the Dayton Peace Accord would be even greater, if the

¹⁹⁵ S/PV.4069 and Corr.1, pp. 2-4.

¹⁹⁶ *Ibid.*, pp. 5-6.

norms and the spirit of Dayton were fully and consistently respected, noting that the arbitration decision on Brcko had infringed on the premise of the territorial integrity of the entities and caused crisis and dissatisfaction among the citizens of the Republika Srpska. Economic aid pledged by the international community had also been uneven, although he noted that the behaviour on the part of certain institutions of the Republika Srpska had also had an impact in that area.¹⁹⁷

All members of the Council welcomed the adoption of the New York Declaration as a clear statement by the Presidency that it was committed to removing the remaining obstacles to the full implementation of the Dayton Accord. They encouraged the Presidency to persevere in their tasks of rebuilding the country. In that connection, they called for more efforts towards reconciliation, institution building, the rule of law, economic reform and fighting corruption. They reaffirmed that the goal of the international community was to see a united, democratic and multi-ethnic Bosnia and Herzegovina. Several speakers also expressed support for the work of the Tribunal.¹⁹⁸

The representative of the United States stated that, despite progress, great problems and concerns remained, and he called on the Office of the High Representative to press for full implementation. He stated that his delegation did not believe that the High Representative had expanded his authority or that the Peace Implementation Council had expanded its authority beyond what was authorized in the Dayton Agreements. Finally he maintained that success in Kosovo and Bosnia and Herzegovina were equally important to the international community, and one could not be separated from the other in the long run. Bosnia and Herzegovina was years ahead of Kosovo on the timelines of history, but success in both would be required for stability in the region. He reiterated that the ultimate obstruction to this remained what it had

been for the last nine years: “the leadership in Belgrade”.¹⁹⁹

The representative of France noted that, when speaking of Bosnia and Herzegovina, the example of Kosovo and the problems which the Council was confronting needed to be kept in mind. He also stated that increasingly Bosnia and Herzegovina would have to rely on its own resources to successfully carry out the needed reforms.²⁰⁰

The representative of the Russian Federation stated that the New York Declaration did not address the fact that there were three de facto independent armies in Bosnia and Herzegovina, which was clearly not a normal situation and which did not help in the trend towards integration and towards strengthening a unified Bosnian State. He called for action on the development of a unified military doctrine for Bosnia and Herzegovina. He also expressed concern about the continued negative impact on the situation in Bosnia and Herzegovina of the final arbitration award on Brcko. He underscored that it was important that the decisions be implemented in a way that would stabilize the situation to the greatest possible extent and that would be in accordance with the Peace Agreement, through identifying solution acceptable to all parties. Regarding the situation in Kosovo, he stated that his personal conclusions were not very encouraging as the safety and security of the population seemed to be increasingly under threat. He stated that more and more often the majority of such incidents reflected an organized policy aimed at expelling all non-Albanians from Kosovo, which was undermining resolution 1244 (1999). In his view, the Kosovo Force (KFOR) and the United Nations Interim Administration Mission in Kosovo (UNMIK) had been unable to eliminate provocations and activities intended to undermine resolution 1244 (1999), or guarantee the proper level of safety and security for all. However, he maintained that he could not agree with attempts to link decisions relating to Kosovo or Bosnia and Herzegovina with any questions that had nothing to do with issues under discussion, as that might be interpreted as interference in the internal affairs of the Federal Republic of Yugoslavia.²⁰¹

¹⁹⁷ Ibid., pp. 8-10.

¹⁹⁸ Ibid., pp. 10-12 (United States); pp. 13-14 (France); pp. 14-16 (Russian Federation); pp. 16-17 (Canada); pp. 17-18 (Malaysia); pp. 18-19 (Argentina); pp. 19-20 (United Kingdom); pp. 20-21 (China); pp. 21-22 (Brazil); pp. 22-23 (Bahrain); pp. 23-24 (Netherlands); p. 24 (Gambia); p. 25 (Namibia); p. 25 (Gabon); and p. 25-26 (Slovenia).

¹⁹⁹ Ibid., pp. 10-12.

²⁰⁰ Ibid., p. 13.

²⁰¹ Ibid., p. 15.

The representative of the United Kingdom stressed that the High Representative had to be given support in what he was doing, and be able to take the decisions that were necessary.²⁰²

The representative of China emphasized the necessity of establishing a unified armed force. He also expressed support for the work of the International Tribunal for the Former Yugoslavia, which hopefully would proceed in a professional, impartial and objective manner.²⁰³

The representative of Slovenia maintained that the crisis in Kosovo had severely tested peace and stability in Bosnia and Herzegovina, and he commended all parties in Bosnia and Herzegovina for their responsible and wise attitude, which contributed to the preservation of stability in the country. The peace, stability and unity of Bosnia and Herzegovina were of critical importance for the resolution of other problems in the region, most notably the problem of Kosovo. Therefore, every effort needed to be made to strengthen Bosnia and Herzegovina and its institutions.²⁰⁴

D. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia

Decision of 8 May 1996 (3663rd meeting): statement by the President

By a letter dated 24 April 1996 addressed to the President of the Security Council,²⁰⁵ 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 informed the Council of the refusal of the Federal Republic of Yugoslavia to cooperate with the Tribunal, as required by resolutions of the Council and the Statute of the Tribunal. Specifically, the occasion for the report was the failure of the Federal Republic of Yugoslavia to execute arrest warrants against three

accused, Mile Mrksic, Miroslav Radic and Veselin Sljivancanin, all of whom were on its territory and who were charged with the murder of 260 civilians and other unarmed men following the fall of the city of Vukovar in November 1991.

At its 3663rd meeting, held on 8 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. The President (China) then drew the attention of the Council to the following documents: a letter dated 19 April 1996 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council;²⁰⁶ a letter dated 19 April 1996 from the representative of Croatia addressed to the President of the Security Council;²⁰⁷ and a letter dated 8 May 1996 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council.²⁰⁸

At the same meeting the President made the following statement on behalf of the Council:²⁰⁹

The Security Council expresses its profound concern at recent instances of failure to cooperate with the International Tribunal for the former Yugoslavia, established pursuant to resolution 827 (1993) of 25 May 1993, and in particular the failure of the Federal Republic of Yugoslavia to cooperate, described in the letter dated 24 April 1996 from the President of the Tribunal to the President of the Security Council.

The Council recalls its decision in resolution 827 (1993) that all States should cooperate fully with the International Tribunal and its organs in accordance with that resolution and the statute of the Tribunal and that consequently all States should take any measures necessary under their domestic law to implement the provisions of the resolution and the statute, including the obligation of States to comply with requests for assistance or orders issued by Trial Chamber under article 29 of the statute. The Council underlines the importance of these obligations, as well as the obligations undertaken by the

²⁰² Ibid., p. 19.

²⁰³ Ibid., p. 21.

²⁰⁴ Ibid., pp. 25-26.

²⁰⁵ S/1996/319.

²⁰⁶ S/1996/300.

²⁰⁷ Letter informing the Council that the Croatian Sabor (Parliament) had adopted a Constitutional Law which would allow the Government of Croatia to cooperate with the International Tribunal, consistent with the relevant provisions of Security Council resolution 827 (1992) (S/1996/306).

²⁰⁸ Letter transmitting information on the cooperation of the Federal Republic of Yugoslavia with the International Tribunal (S/1996/339).

²⁰⁹ S/PRST/1996/23.